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with a Coloured caricatured Print of
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Great Britain. - Parliament.
A N D

IMPARTIAL REPORT

OF ALL THE

PROCEEDINGS in PARLIAMENT,

ON THE LATE IMPORTANT SUBJECT OF A

R E G E N C Y :

COMPREHENDING A MORE ACCURATE, AMPLE, AND UNBIASSED
STATEMENT THAN ANY HITHERTO PUBLISHED ;

W I T H

CORRECT LISTS OF THE DIVISIONS,

A N D T H E

P R O T E S T S O F T H E L O R D S ;

A

CONCISE NARRATIVE OF THE CIRCUMSTANCES

A T T E N D I N G .

HIS MAJESTY'S INDISPOSITION.

A N D . A N

A P P E N D I X ,

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A List of the Addresses ; the Proceedings of the Parliament of Ireland re-
lative to addressing the PRINCE of WALES, and many other Particulars.

L O N D O N :

PRINTED FOR AND SOLD BY J. BEW, N^o 28, PATER-NOSTER-ROW.
M.DCC.LXXXIX.

IMPARTIAL REPORT

OF ALL THE

PROCEEDINGS OF PARLIAMENT

IN THE LAST SESSION

BY R. B. GIBB, ESQ.

CHIEF CLERK OF THE HOUSE OF COMMONS

IN THE HOUSE OF COMMONS

AND

IN THE HOUSE OF LORDS

CONCISE NARRATIVE OF THE CIRCUMSTANCES

ATTENDING

THE FIRST DISSENTION

AND

A. B. D. N. D. I. X.

CONTAINING

A FULL AND COMPLETE HISTORY OF THE

PROCEEDINGS OF THE HOUSE OF COMMONS

FROM THE BEGINNING OF THE PRESENT

SESSION TO THE PRESENT DAY

AND OF THE HOUSE OF LORDS

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IMPARTIAL REPORT

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ON THE LATE IMPORTANT SUBJECT OF A

R E G E N C Y.

SINCE the glorious and ever memorable Revolution of 1688, no circumstance has occurred, in this kingdom, of such political magnitude, as that which at present excites and engrosses the public attention.

At a time when all the powers of Europe are intently engaged, when treaties are forming, and negotiations proceeding, which may eventually decide the fate of nations; at a period when this kingdom had arisen to a consequence that attracts the attention, commands respect, and induces every state upon the Continent to consider it as giving a decisive turn to European politics; at such a time to experience a total stagnation of government, from so awful and melancholy an occasion, unprecedented in the annals of this country, and which thence gives rise to a diversity of discordant sentiments, will, certainly, form one of the most critical and important epochas in the history of Great Britain.

These considerations, and the idea of collecting into one compact point of view the circumstances relating to, and the deliberations upon, this momentous concern, (which are either partially diffused through various publications, or intermixed with other matters) gave rise to the following narrative, as, for those reasons, it was imagined it might prove agreeable to all ranks of people; but more especially to those, who, although their avocations will not permit, or their dispositions do not lead them to at-

tend to general political subjects, yet find themselves deeply interested on the present much lamented occasion.

Amidst the universal consternation and concern which has sensibly pervaded every class of loyal and affectionate subjects, the spirit of party, which visibly prevails, where the utmost unanimity is necessary, and gives birth to that pique and invective with which, not only the diurnal publications teem, but which is even found to exist in assemblies of the highest respectability; must be viewed with infinite regret by all true friends to the Constitution.

Avoiding, for obvious reasons, even to risque an opinion on any one circumstance relative to this very serious business, the following sheets are confined to a plain and simple narration of the occurrences, and as faithful a report of the parliamentary debates, on the occasion, as could be collected from the recollection of persons accustomed to the taking of the debates, with other collateral aids; and though it is impossible to do ample justice to the speeches of many who have displayed their powers at this critical juncture, it is hoped, and confidently presumed, nothing of moment will be found to have been omitted.

THE SOVEREIGN'S INDISPOSITION.

THE first appearance of an alarming indisposition was discovered in the former part of October last. A levee, which was to have been held on the 17th of the same month, was necessarily postponed, from the increase of the malady. A severe cold, which his Majesty had experienced from having walked upon the wet grass, brought on a rheumatic pain in his stomach. By a removal of this pain from the stomach to the extremities, his Majesty was so far recovered as to appear at the levee on the 24th of that month. This flattering relief, unfortunately, did not long exist. A severe relapse, accompanied with violent pains in the intestines, on the 4th of November, again gave a general alarm. On the 6th, the symptoms were so much increased as to require a consultation of the most eminent physicians, and the attendance of the principal officers of state. The symptoms now appeared of a very complicated nature. On the 11th of the month, from the multiplicity of enquires at the palace, and the general anxiety which was now so apparent, it was deemed proper and necessary to send a daily official account, from the physicians attending at Windsor, to the lord in waiting at St. James's: The accounts contained in this official report were always couched in very general terms:

That his Majesty had passed a more quiet, or restless night; that he was more or less composed; and that his fever was abated, or increased; or much the same. The daily papers contained many *private* accounts; but as they were frequently contradicted by the papers attached to the opposite interest, and mutual accusations of falsehood and deception accompanied them, little serious attention was paid to such reports. The humiliating and melancholy turn which the malady had taken, was now no longer a secret; it was universally known, and as universally lamented.

On the 13th of November, the Lords of the Privy-council ordered a form of prayer, for his Majesty's recovery, to be prepared by the Archbishop of Canterbury. Accordingly, a meeting was held at Lambeth Palace, at which the two archbishops and four bishops were present; when the prayer was composed, and ordered to be used in all churches and chapels, during his Majesty's present indisposition.

As this prayer has undergone some animadversions, it is here presented to the reader literally, without any comment upon it.

PRAYER FOR THE KING:

O Merciful God, in whose hands are the issues of life and death, accept, we beseech Thee, the supplications of thy servants, who call upon Thee in this time of their trouble.

We acknowledge, that for our manifold sins and wickedness we are most worthy to receive thy chastisement. But Thou, O God! in thy wrath, thinkest upon mercy. Vouchsafe therefore to hear the prayers of thy people, who with contrite hearts turn unto Thee. Let thy merciful goodness regard their petitions which they offer unto thy divine Majesty, in behalf of our Sovereign Lord the King, and thy people committed to his care. May it please Thee to remove from him the visitation with which, for the punishment of our transgressions, Thou hast seen it good to afflict him. Let thy Gracious Providence guard and support him. Give a blessing to the means used for his recovery: restore him, we pray Thee, to his former health: and grant that he may continue, by his piety and wisdom, to maintain amongst us the blessings of true religion, civil liberty, and public peace; till it shall please Thee to call him, full of years, and rich in good works, unto thy heavenly kingdom.

Extend, O Lord, thy mercies to the Queen, the Prince of Wales, and all the Royal Family; be favourable and gracious unto them, and hide not thy face from them in their affliction. Let thy heavenly grace guide and direct them, and may they receive from thy holy spirit those consolations which Thou only canst bestow.

Finally, we intreat Thee, that we, who now cry unto Thee in our distress, may in thy good time be enabled to give thanks unto thee in thy holy place, for that Thou hast regarded the petition of thy servants, and restored our Sovereign to the ardent prayers of his people. Grant this, O Lord, for Jesus Christ's sake, our only mediator and advocate. *Amen.*

On this occasion the Dissenters of all persuasions united in the most fervent prayers for the preservation of a life so dear to his subjects.

On the 14th, circular letters were sent from the Treasury to every peer, and also indiscriminately to all the members of the Lower House. Of the latter, the following is a copy:

S I R,

" From the unhappy continuance of the King's illness, it is doubtful whether there will be a possibility of receiving his Majesty's commands for the further prorogation of Parliament; and if there should not, the two Houses must of necessity assemble on Thursday the 20th instant. I think it is my duty to apprise you of these circumstances; and earnestly request your attendance on that day.

" I have the honour to be, &c."

Downing-street, Nov. 14, 1788.

THURSDAY, NOVEMBER 20.

HOUSE OF LORDS.

1788

THIS day the House of Lords met, pursuant to the last prorogation, when there was a very full meeting of peers. After some customary ceremonies,

The *Lord Chancellor* rose to address the House. He said, That it was his duty, agreeable to the office which he held, to communicate his Majesty's message to his Parliament; that without such instructions, they could not take the national business into consideration. That he had not received any on the present occasion, as, from the well known ill state of his Majesty's health, it had not been in his power to have access to his royal person.

LORD CAMDEN, (*President of the Council*) then rose. His lordship said, That even if the head, the first branch of the legislature, were not absent, the House could not proceed to business.

business. It had been customary to give, by proclamation, forty days previous notice, after a prorogation; this however he would not insist upon as necessary. There had been instances of Parliament being called together on sudden emergencies, such as in cases of rebellion, and invasion, with a summons only of fourteen days. He sincerely hoped, that a short adjournment would remove the impediment which then, to their lordships great regret, prevented them from beginning the session in the usual manner.

Whenever the Parliament had been called together on a sudden emergency, his lordship observed, that it had been customary for every member, of each House, to receive a written notice, in order to prevent any thing being done by surprize, and by a partial meeting. His lordship therefore moved the following resolutions, which were unanimously agreed to.

RESOLVED, "That this House do, at the rising thereof, adjourn until this day fortnight."

RESOLVED, "That the Lord Chancellor be requested to write to each and every lord of this House, desiring their attendance on that day."

The House adjourned accordingly.

HOUSE OF COMMONS.

IN the House of Commons, before the Speaker took the chair, he addressed the House in the following words:

"Gentlemen, There being no commission for the further prorogation of Parliament, is it your pleasure that I take the chair?" The House having signified their assent, the chair was taken, when, after introducing some new members with the usual formalities,

The *Chancellor of the Exchequer* rose, and said, The House had thus unexpectedly assembled, from the unfortunate circumstance of there being no power, by which the prorogation could any longer be continued. There were but very few instances, in which the House had experienced a situation any way similar to the present one. This situation proceeded from the severe malady, with which the Sovereign had for some time been afflicted, and which rendered it wholly impossible for his servants to receive his Majesty's commands. Under such circumstances, the House had not the power, nor could it have the inclination, to go into a discussion of any point whatever. Precedents of the House being similarly situated had been sought for, but such as bore the least similarity were very rare to be met with, and by

those, it was found that the House, so assembled, had always adjourned. He was confident every Gentleman in the House would agree with him, in the propriety of their acting in the same manner, and adjourning; as it would be highly indelicate, under the present circumstances, to proceed to public business. He was of opinion, that a fortnight's adjournment would be proper, and should therefore move, that the House be adjourned to that day fortnight; and should his Majesty's indisposition, contrary to the ardent wishes and fervent prayers of all his faithful people, be unhappily protracted to that period, it would then be necessary to proceed to business of the greatest importance, and some proper mode must be adapted to the occasion, which would allow the functions of administration to be regularly performed.

Wishing, on this melancholy occasion, to be as little diffusive as possible, he had only one other point to touch upon, which was, that should they be obliged to meet again, without the happiness of receiving his Majesty's commands, the situation would be as momentous, as it was new; and therefore to secure an attendance, as full as that he now saw, he would propose, that on that day fortnight the House should be called over, and that Mr. Speaker should send circular letters to the members acquainting them with the resolutions. He then made the three following motions.

RESOLVED, "That this House do, on its rising, adjourn to this day fortnight."

RESOLVED, "That this House be called over on this day fortnight."

RESOLVED, "That the Speaker do send circular letters to the Sheriffs of every county, requiring the attendance of the members."

These motions being severally put and carried *nem. con.* the House accordingly adjourned.

DURING this short recess of Parliament, the partizans on both sides were incessantly employed in disseminating opinions favourable to the cause they espoused. History and the records of the kingdom were carefully searched for cases, which could appear to have a similitude to the present, and from such as were supposed to bear the least resemblance, arguments were deduced to establish those opinions. A great number of publications were at the same time produced, evidently intended to bias the sentiments of those, who were to decide upon the important business which was to ensue on the meeting of the two Houses.

With

With respect to his Majesty, the daily accounts, officially sent by the physicians to the lord in waiting, were not such as were flattering to the hopes and wishes of a loyal and affectionate people. In addition to the medical assistance of the attending physicians, Dr. Warren, Dr. Baker, Dr. Pepys, and Dr. Reynolds, was now added the abilities of Dr. Addington, a gentleman who had made the malady with which his Majesty is afflicted his peculiar study; and at a consultation held amongst the ministry and the King's physicians, it was thought necessary to remove his Majesty from Windsor to Kew. Occasion was taken, at various intervals, to open this removal to his Majesty, whose determination could not be well ascertained. Every necessary preparation having been previously made, at one o'clock on Saturday, the 29th of November, the carriages were drawn up to the Queen's Lodge, her Majesty was handed to her coach by the Prince, and was accompanied by the Princess Royal, Princess Augusta, and Lady Courtown. The Princess Elizabeth was led to a post-chaise by her royal brother the Duke of York, and was accompanied by Lady Charlotte Finch.

His Majesty left the Upper Lodge at four o'clock in a post-coach, attended by General Harcourt, and Colonels Goldsworthy and Greville, escorted by an officer's party of light-horse. On the King's leaving the Lodge, the flag on the round tower was struck.

His Royal Highness the Prince of Wales, on Sunday the 30th, returned to Windsor, where he commanded the attendance of the officers of the court, who were directed to take charge of the jewels and royal property, in trust, until the Queen's pleasure might be known.

WEDNESDAY, DECEMBER 3.

PROCEEDINGS of the COUNCIL.

THIS day, at eleven o'clock, a council was held at Whitehall, to which all the Privy Counsellors were summoned, consequently there was a full attendance, not only of the Cabinet Ministers and persons in high official departments, but also of such Members of the Privy Council, as have distinguished themselves by their opposition in Parliament, to the principal measures of the present Administration. The Council consisted of the following members:

Archbishop of Canterbury.	Viscount Mount Edgumbe.
The Lord Chancellor.	Viscount Barrington.
Earl Camden— <i>Lord President.</i>	Viscount Galway.
Marq. of Stafford— <i>Privy Seal.</i>	Lord Herbert— <i>Vice-Chamberlain.</i>
D. of Chandos— <i>Lord Steward.</i>	Lord Pelham.
Duke of Richmond.	Lord Loughborough.
Duke of Portland.	Lord Grantley.
Duke of Montague— <i>Master of Horse.</i>	Lord Sydney— <i>Secretary of State.</i>
Marquis of Caermarthen— <i>Secretary of State.</i>	Lord Hawkesbury.
Earl of Salisbury— <i>Lord Chamberlain.</i>	Lord North.
Earl of Derby.	Lord Kenyon.
Earl of Sandwich.	Lord Dover.
Earl of Cholmondeley.	Charles W. Cornwall— <i>Speaker of the House of Commons.</i>
Earl of Dartmouth.	James Stewart Mackenzie.
Earl of Effingham.	Welbore Ellis.
Earl of Buckinghamshire.	Charles Townshend.
Earl of Hertford.	Edmund Burke.
Earl of Aylesbury.	Sir George Yonge.
Earl of Bedford.	William Pitt.
Earl Howe.	Henry Dundas.
Earl of Ludlow.	Charles Greville.
Earl of Courtown.	Richard Fitzpatrick.
Lord George Cavendish.	Frederick Montagu.
Lord John Cavendish.	James Grenville.
Lord Charles Spencer.	W. W. Grenville.
Lord Robert Spencer.	John Charles Villiers.
Viscount Stormont.	Sir R. P. Arden— <i>Master of the Rolls.</i>

The physicians, who have attended his Majesty during his indisposition, were called upon to give the Council a state of the progress of his Majesty's malady, and of his present situation, together with their opinion of the prospect and probability of his recovery. The result of all their answers is said to have been, that "the King was much better at this time than he had been during the whole of his illness." Relative to the probability of his Majesty's recovery, the answers were, "that a recovery might reasonably be expected."

Lord Stormont spoke in the course of their examination, and a minute was taken of the several questions that were put to them, and the answers they delivered.

After the physicians had retired, the Council came to the following resolution:—"That the result of their proceedings should be laid before Parliament, and that a Committee of both Houses be appointed to search for precedents, and report thereon."

“ their progress on Monday next, to which time Parliament should be adjourned ; then to receive the report of the Committee, and adopt the necessary measures in consequence.”

At four o'clock the Council broke up.

THURSDAY, DECEMBER 4.

THIS day both Houses met pursuant to their last adjournment.

HOUSE OF LORDS.

The House, about four o'clock, being resumed, Lord Howe having previously taken his seat as an Earl,

The *Lord Chancellor* informed their lordships, that he had sent circular letters agreeable to their directions, and that he had received replies from several noble peers, apologizing for their non-attendance on account of ill-health—the same kind of apology was made by different Lords, at the request of their absent friends.

Lord Camden then rose, and lamented, that he had again to address their lordships upon the same melancholy topic, but as the distressing indisposition of his Majesty rendered the legislature imperfect, of course the executive part must, in a great measure, be at a stand ; it therefore behoved the other two branches to endeavour to supply the vacancy, which the absence of their Royal Master occasioned, and make the whole as complete as possible. In the present truly distressing situation, it certainly became their lordships to let precedents, as far as they could be found applicable to the case, be the rule for their conduct ; and although there might not be found any exactly similar, yet, in his opinion, they would find much assistance by applying to those which came nearest the present melancholy occasion. The first step, however, which he thought incumbent on their lordships to take, was to procure the most particular and authentic information of his Majesty's malady ; and without meaning, in the least, to dictate to the House, he would beg leave to state what measures had been taken by the Lords of the Council. Although it might not be strictly right, yet there were cases in which they sometimes acted without the royal presence. They had summoned the physicians to attend that board, and taken their report upon oath, a copy of which he then had in his hand, and which, with permission

permission of their lordships, he would move to have read, begging leave first to observe, that it was thought improper to let each individual put any indiscriminate question; the questions had therefore been agreed to by the board, before the physicians were called in. His lordship then moved, "That the examination be read," which was unanimously agreed to.

The physicians who had been examined were, Dr. Warren, Sir George Baker, Sir Lucas Pepys, Dr. Reynolds, and Dr. Addington; and the questions put to them were in substance:

Was his Majesty incapable of attending Parliament, or any public business?

Did they think his recovery probable or not?

Could they specify any time the recovery was likely?

Were the hopes of recovery founded upon any particular symptom in his Majesty, or from general experience of similar cases?

Did they draw their conclusions from their own practice, and what practice had they known of the kind?

To the first question they were all unanimous in his Majesty's incapacity; nor was there any material difference in their other replies, which were of that melancholy kind, as to give little hopes—they admitted, indeed, the recovery was probable, not from any favourable symptoms, but finding in general practice the majority of patients did recover. The first four declined hinting at any stated time, and declared, that although it was impossible to be in much practice without having cases of that nature, yet they had in general the assistance of gentlemen, who made that part of medicine their particular study. Dr. Addington, however, stated that he had formerly found so many people afflicted with that malady in the neighbourhood of Reading, that he built a house adjoining to his own, for the purpose of receiving them, and constantly had eight or ten patients; that he scarcely knew an instance of its proving fatal, and not above one or two, in which the recovery was not within twelve months. He remarked it might be necessary to observe, *that several of them had been afflicted for two or three years before they came under his care.*

The examinations being read, Lord Camden instantly moved, that the House be adjourned to, and summoned for, Monday next, which passed unanimously.—Adjourned accordingly.

HOUSE OF COMMONS.

At half past four o'clock the House was uncommonly full, and the pressure in all its avenues, was infinitely beyond what we have witnessed on any recent occasion.

Mr. Pitt commenced the business of the day, by moving, "That the Report of his Majesty's health, which was yesterday laid before the Privy Council by his physicians, should be read, viz. "That his Majesty's health was at this precise period of "time in a very alarming state; but that there was a possibility "of his recovery."

(Signed)

G. BAKER,

L. PEPYS,

G. WARREN,

A. ADDINGTON.

G. R. REYNOLDS,

This Report being accordingly read, *Mr. Pitt* immediately moved, "That the House should adjourn to Monday next."—The interval, he said, was highly necessary, for that consideration which the subject required, and that the members should properly make up their minds, with respect to the measures to be adopted, when it would probably be his duty to move, that a Committee might be appointed, to search for precedents on so momentous an occasion.

Mr. Viner stated some objections to the Report. It was not in its tenour, he said, sufficiently conclusive to warrant the House in proceeding to any decisive measure. He conceived that the evidence of the physicians should have been *viva voce*, at the bar of the House.

Mr. Pitt said, that the House were certainly competent to direct in what manner they chose to receive the evidence on this occasion; but he begged leave to state, that in the present instance they had the medical testimonies upon oath, which they could not have obtained by any other mode.

Mr. Fox said, that this circumstance was merely a matter of opinion, and, as such, was to be determined according to the usage of the House. The business, he observed, required undoubtedly the most solemn deliberation. When it came to be discussed, the House would certainly feel its delicacy, but this, he trusted, would be remembered without forgetting their duty.

The question on the adjournment was then put, and carried *nem. con.*

No strangers were admitted to the gallery during this conversation.—The House adjourned before five o'clock.

In

In the interval of this adjournment nothing very material occurred, but that Dr. Gisborne and the Rev. Dr. Willis were called in to attend upon his Majesty.

MONDAY, DECEMBER 8.

THIS day both Houses met pursuant to adjournment.

HOUSE OF LORDS.

Prayers being over, and the House resumed,

The *Marquis of Stafford* (in the absence of the President of the Council) rose, and with much stress lamented the absence of his noble and learned friend, who had upon the two former days opened the business of the present melancholy situation of our Sovereign. That noble Peer's attendance, however, being prevented by illness, he would suggest a few ideas to the House for their consideration, and should they meet their lordships' approbation, he would ground a motion upon them. His noble friend, on their last meeting, had proposed, should the necessity continue, the appointment of a Committee to search for precedents; but previous to such a measure being adopted, he considered it as a duty incumbent on him to inform their lordships that a new circumstance had arisen, which was the appointment of two additional physicians. The depositions of the other medical gentlemen, taken before the Privy Council, had been submitted to their lordships, and they were met to determine, whether they would rest satisfied with that examination, or whether they would appoint a Committee of their own to re-examine them. For his own part, his mind was perfectly satisfied on the subject, but he understood doubts had been entertained of the propriety of their lordships receiving the Report from the Privy Council. If therefore it was thought absolutely necessary to proceed to take some measures, he would move by way of obtaining the information in form, and preserving a delicacy to the Royal Family, that a Select Committee be appointed to examine the two physicians who had been called in to attend his Majesty since the former examination, and also to re-examine those physicians who had come before the Privy Council, and whose Report was then before the House; and that the Committee should make a report of their enquiry.

Earl Fitzwilliam expressed his opinion, That in a case of such magnitude, the best and most authentic information should be sought for by their lordships—The examination of the physicians, which had been taken by the Privy Council, and laid before their lordships, he did not consider of that kind, therefore he was most undoubtedly for procuring a more satisfactory one.

The

The *Marquis of Stafford* declared, he had no motive for objecting to the physicians being examined at the bar, but a wish to preserve that delicacy to the distressing situation of the Royal Family, and respect to the people at large, he thought they were entitled to.

The *Duke of Norfolk* pointedly objected to this mode of proceeding. He declared he was perfectly satisfied with the report made by the physicians as to the melancholy state of his Majesty's health, which they agreed in pronouncing to be such, as to incapacitate him from exercising the duties of his situation; yet he contended, that it would be highly unconstitutional to act in pursuance of a minute from the Privy Council. It had, he observed, been always usual to examine evidence at the bar of the House. If that should be thought indecorous, it might be referred to a committee; but his grace was certain, that with the strictest decorum, it might be done at their lordships' bar.

The *Marquis of Stafford* trusted the House would agree with him in thinking that the examination ought to be before a committee, rather than at the bar of the House. It was a subject of such delicacy, that too much precaution could not be taken, nor too much decorum observed in their proceedings—lest they should wound not only the feelings of the Royal Family, but, he would add, of the nation at large.

The *Earl of Derby* enforced the Duke of Norfolk's argument, and said, As their only object was to get at the truth, it was undoubtedly the duty, as he had not a doubt but it was the feeling of every noble Lord in that House, that the utmost decorum should be observed in the investigation of a subject of so much delicacy. He, however, certainly thought, that the House could not receive the report from the Privy Council in its present shape. He suggested, that it was now near a week since the examination of the physicians before the Privy Council had taken place, and that some alterations might in the interval have happened in his Majesty's situation; a circumstance that was rendered more probable by the deposition of the physicians themselves, who had declared, that there were such favourable symptoms, as gave them some degree of hopes of a recovery. He was anxious for information, whether these symptoms had yet developed themselves, so as to give further assurance of such favourable expectations. It was, for these reasons, he thought, absolutely necessary that they should re-examine the physicians by a Committee of their own; it was the absolute and inherent right of that House to demand and insist on such examination, before they could move a single step in the business, before they could proceed to the consideration of it.—It was the invariable practice of their lordships, even in receiving a bill from the other House of Parliament, to call evidence *de novo* at their own bar, because
they

they never admitted as proof the examination of witnesses taken elsewhere. In the present case it was the more necessary, because the House ought to know what has been the state of his Majesty's health since the former report was made.

His lordship further observed, that for the reasons he had given, he thought the examination by no means conclusive. It either went too far, or it did not go far enough. The answer given to the very first question was, in his mind, sufficient, if made in its proper place, to give rise to the most momentous proceedings of the two Houses. The physicians had declared, that the King was unable to meet his Parliament, or to exercise any of the regal functions. Should not this urge them to proceed, at once, to declare, or to consider where the law declares, the executive power to lie? The other questions that were proposed to the physicians he thought entirely nugatory. They either should not have been put at all, or they should have been put in such words, as to elicit more explanatory and satisfactory information.

Lord Loughborough agreed with the noble Lord who spoke last, as to the undoubted right the House had of refusing the report of any proof or examination taken before the Privy Council—it certainly was no evidence there. He approved of the appointment of a Select Committee in the present instance, in preference to an examination at the bar, as it was more decorous, and equally agreeable to the usage of Parliament. He could have wished, however, that the investigation had been carried on by the joint co-operation of both Houses, for which he found there was a precedent on the Journals in the year 1671.

Lord Carlisle said a few words, entirely agreeing with his lordship.

The *Marquis of Stafford* then observed, that perceiving the sense of the House to be adverse, he should wave his first intention; and as it had been proposed by the noble Lord whose place he then supplied, (the President of the Council) to appoint a Committee to search for precedents, he should move, that a Committee should be appointed, consisting of twenty-one Peers; that the physicians be re-examined before that Committee; and afterwards, that the Committee be ordered to search for precedents, and report the same.

A conversation then commenced respecting the mode of nominating the Committee; when it was agreed to be done by ballot.

Lord Radnor said, he did not object to the smallness of the number; he should not have done so, had it been but *five*; but he preferred a general conference with the two Houses, it being the constant practice of the Lower House, in cases of Committees, to appoint double the number, nominated by their lordships;

ships; therefore, should any question come to the vote, they were certain of being in a minority.

Lord Viscount Stormont wished the noble Marquis would hint at the nature of the Precedents, to which the attention of the Committee ought to be directed. If it was to precedents of general analogy, he was afraid they would be found too vague, for guiding their lordships deliberations, on the present occasion. If the Committee were to search for every remote precedent, they would have to go through the whole History of England.

Lord Loughborough thought, that the precedent of 1661 was the most applicable to the present case.

The *Marquis of Stafford* said, he had considered the precedent alluded to, and it had been in contemplation to have followed it, in the present case; but, he was afraid, it would have been attended with inconveniency, on account of the number of the Committee appointed by the House of Commons being so much greater than the number of the Lords. In reply to the noble Viscount his lordship said, that it certainly would be absurd to instruct the Committee to consume their time in referring to the most remote precedents. The only precedents he wished to be reported, were the most striking analogies of the law, and those which regarded proceedings of Parliament, in those cases, wherein the King had been, from any circumstance, incapacitated from exercising the functions of government. The noble Viscount was too diligent, and too accurate in his researches, not to know that there were very few indeed; and as he trusted his lordship, as well as the learned and noble Lord who spoke last, would be members of the Committee, he was assured that they could not be led into needless deviation; their lordships having, undoubtedly, in their recollection, every precedent that was applicable to the present subject. His lordship then severally put the following motions:

“ That a Select Committee be appointed to examine the physicians who have attended his Majesty during his illness; touching the state of his Majesty’s health, and to report such examination to this House.

“ That the said Committee do consist of *twenty-one* Peers.

“ That each Peer do deliver in to the Clerk of the House a list of *twenty-one* lords, signed with his name, on the morning of the next sitting day of the House, to compose the said Committee.

“ That the Committee be also required to search for precedents, and to report the same.”

It was also moved, “ That Sir George Baker, Dr. Warren, Sir Lucas Pepys, Dr. Reynolds, Dr. Addington, Dr. Gilborne, and Dr. Willis, do attend this House to-morrow,” which was ordered.

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The whole of the Resolutions then passed, without a dissentient voice, and the House adjourned until to-morrow at eleven o'clock.

MONDAY, DECEMBER 8.

HOUSE OF COMMONS.

THE members who attended this day, pursuant to the adjournment of Thursday, exceeded in number what had been witnessed on the two preceding days of meeting. As far as the eye could judge, there could be little less than *five hundred* members present!

The public anxiety keeping pace with that of the members, at a very early hour the gallery was filled, even to an overflow!

At four o'clock the Speaker took the chair, and called on the Chancellor of the Exchequer to move the order of the day.

Mr. Pitt immediately arose: He said, that previous to his motion for that order, he should take the liberty of offering a few words on the sentiments which had fallen from some gentlemen on a former day. It then appeared to be the opinion of several, that the House could not with propriety enter on the consideration of the important question submitted to them, without some enquiry first had before themselves, instead of proceeding on the report of the physicians' examination before the Privy Council.—If this was still the opinion of those gentlemen, it was not his intention to oppose any such enquiry, whether to be made by a Committee, or in any other manner as the House should determine. If a Committee was to be appointed, to take the examination, all must be sensible of the extreme propriety, that the number of the Committee should not be very extended. It was, perhaps, favourable to the propriety of such an enquiry, in addition to the examination held before the Privy Council, that two eminent physicians had been *since* called in, (Doctors Willis and Gisborne) one of whom was allowedly possessed of peculiar knowledge in the disorder with which his Majesty was afflicted, and that these opinions might also be received by the Committee if that should be the mode determined on by the House.—*Mr. Pitt* proceeded, That at all events there was sufficient ground, under the present report, for them to appoint a Committee to enquire for necessary precedents on this occasion, if any, exactly similar to this case; or otherwise, such as should most nearly approach to it. Some questions might arise, whether these enquiries might not be referred to the same Committee; or whether, as the examinations taken before the Privy Council were undoubtedly a sufficient ground for their proceeding, it might not

not be more expedient to refer the latter enquiry to a distinct Committee. He had, for his part, no objection to either mode, although he thought one Committee might as well do both, and only wished that the business should be conducted with as much dispatch as was consistent with the importance of their deliberations. He concluded with moving, as the order of the day, "that the examination of the physicians, taken before the Privy Council, respecting the state of his Majesty's health, should be taken into consideration."

Mr. Vyner said, that when the Right Hon. Gentleman professed himself ready to abide by the sense of the House, he could not conceive from any thing he had heard, in what matter their sense was to be taken. He did not know whether it was the intention to move for such a Committee as had been described, and which, in his opinion, could alone afford a proper ground for their future proceedings. He therefore felt it his duty to give notice, that if the motion was not made from any other quarter, he should himself move for the institution of such a Committee.

The *Chancellor of the Exchequer* replied, that although the sense of the House could not be collected but by a motion, yet the sense of any considerable number of members might be understood, by submitting a proposition to their consideration in such general terms as he had done. The manner in which that proposition had been received, satisfied him that it would be agreeable to the majority of the House to adopt it. He should therefore make a motion accordingly; but as it would be neither respectful nor decent to examine the Physicians openly at the bar of the House, he should move for a Committee, who might examine them in a manner more befitting the delicacy of the subject, and whose report would be in all respects the same as evidence given at the bar.

He then moved that a Committee be appointed to examine the Physicians who have attended his Majesty in his present illness, respecting the situation of his health.

Mr. Powys observed, that although there was no precedent that applied exactly to the present circumstances, by those that were most nearly analogous, the practice had been to desire a conference with the other House, and to appoint a joint Committee, consisting of members of both Houses. This mode, he thought preferable, because a co-operation would give a solemnity to, and would preserve uniformity in the proceedings of the two Houses, and had this further advantage, that whereas the House of Commons had no authority to administer an oath, the Physicians might be sworn in the House of Peers, before their examination by the joint Committee.

Mr. Pitt said, that if the privileges, or authority of the House, required their proceeding to an examination, it would, he thought,

be most for their satisfaction, to conduct it solely by themselves. He admitted, that the practice of deliberating by joint Committees had once been in use ; but added, that it was at present to be considered as obsolete, and he did not know how far it might be adviseable to revive that practice in the present instance.— From all the precedents which he had consulted, it appeared that there had been adopted, no more than *four*. They were, besides, attended with so many forms, and so many difficulties of adjustment, that they could not, in his opinion, prove very desirable on such an occasion as the present. The usage, for instance, had fixed the number *double* of the Commons to that of the Lords ; and it was impossible to determine, in the present instance, whether such a proportion would be acceptable to the Peers. The other House might possibly object to forming a Committee in this manner ; it would hardly be adviseable for the Commons to give up the point, and any discussion upon the subject would only occasion delay, which was highly ineligible ; since it was the general wish to proceed, with as much dispatch as was consistent with serious and mature deliberation.— With respect to the parties being sworn at the bar of the other House, previous to their being examined by a joint Committee, he thought that could not be regarded as being of much moment. It was true, that for several reasons, that House was prohibited from administering an oath ; but when gentlemen considered the characters of the Physicians, that they had been previously sworn before the Privy Council, and were again to give their evidence on oath before the House of Peers, it could not be essential, if, in their examination before the Committee of that House, they were not bound by a second repetition of the same form, as that evidence could want no additional authority to give it weight.

Mr. Burke agreed, that the present business was of much difficulty and delicacy, and that it was extremely desirable that unanimity should prevail throughout their proceedings ; but as that House was certainly every way competent to receive evidence, let it not on any account dispense with that very essential, as indeed it ought not with any other of its privileges, however unimportant. It was not sufficient for the forms of the House, though undoubtedly sufficient for their individual satisfaction, that the Physicians had been examined upon oath, both by the Privy Council and the Lords ; the Commons must have an examination before themselves.

He said, that he did not rise to controvert any proposition which had been offered, nor any opinion which had been given. He rose merely to defend the powers vested in that House, which every man was bound to defend to the utmost of his capacity. These powers had been strongly attacked by implication, as if by being deprived of the power of administering an oath, they were at
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the same time maimed in their powers of enquiry. They had been crippled in so many of their faculties, that they ought to be particularly watchful, in guarding those which remained. He insisted, that in the most solemn, judicial proceedings, they had ever been guided by evidence, taken at the bar, or before a Committee of their own members.

In the instance of a bill of divorce, although the witnesses had already been examined on oath in the Ecclesiastical Court, in Westminster-Hall, and in the House of Lords, this *triple knot* of evidence did not satisfy that House, nor did they ground any proceeding on any evidence, but what was taken before themselves. The House was as much uncontroled in its enquiries, as if no other proceeding whatever had taken place. This observation, he said, he owed to the honour of the House.

He begged leave to protest against those doctrines of the inefficacy and incompetency of enquiries by that House, which had now been advanced, and though he would not controvert the conclusion, he must dissent from the premises of the Chancellor of the Exchequer. He would not now add more, as it was his most particular wish, at this crisis, to facilitate, not retard, their deliberations.

Mr. Pitt then moved, "That a Committee be appointed to examine the attendant physicians touching the state of his Majesty's health, and to report their examinations to the House."

This Resolution was agreed to *nem. con.*

He then moved, "That the Committee should consist of *twenty-one* members"—which was also agreed to."

The question was then put *seriatim* on the names of the following gentlemen, who were appointed members of the Committee.

Right Hon. William Pitt,
Right Hon. Lord North,
Right Hon. W. W. Grenville,
Rt. Hon. Charles James Fox,
The Master of the Rolls,
Hon. Frederic Montague,
The Attorney General,
Robert Vyner, Esq.
Right Hon. Henry Dundas,
Thomas Powys, Esq.
The Solicitor General,

The Ld. Advocate of Scotland,
Rich. Brinsley Sheridan, Esq.
William Hussey, Esq.
The Marquis of Graham,
Lord Belgrave,
Sir Grey Cooper,
William Wilberforce, Esq.
Right Hon. Wm. Wyndham,
Philip Yorke, Esq.
And Earl Gower.

On the nominating of Lord North, a short conversation arose, in which his lordship said, that he could not have any objection to obeying the orders of the House, but as he thought that the

proposed Committee should not consist of the persons who had already attended at the examination before the Privy Council.

Mr. Pitt then repeated the doubt which he had before suggested ; whether it should be referred to the same Committee to enquire for the necessary precedents.

The *Hon. Frederick Montague* said, that he was of opinion that no advantage could be gained by giving at present to the Committee this double trust ; and that it would be more formal to wait the result of their examination, that the necessity of those precedents might be more fully known.

The Committee then being invested with the usual powers of sending for persons—meeting notwithstanding any adjournment of the House—all other members to be excluded—and *five* to be a quorum—adjourned immediately to the Speaker's chamber, for the purpose of proceeding on the examination of the physicians.

The House adjourned to Wednesday.

It may not be improper to observe, that the House of Commons, on the present occasion swore in members, and issued writs, as if the business of the session had been opened by his Majesty in the usual form. It seems to be understood, that although they could not enter on any *national* business, without the session being regularly opened by sovereign authority, in person, or by commission, yet they can do whatever relates to their own body, as a distinct branch of the legislature, without the interference or cognizance of the other two.

TUESDAY, DECEMBER 9.

HOUSE OF LORDS.

THE Peers met according to their adjournment of yesterday.

The House being resumed,

The *Marquis of Stafford*, with a very short preface, moved, " That a Committee be appointed to examine the lists which had been delivered to the clerk of the House, in consequence of the resolution of yesterday, and to report the names of the twenty-one Peers who appeared on the majority of them."

This being agreed to, several Peers were named by their Lordships present, who instantly retired into the Prince's Chamber, and shortly after returned, and declared the numbers to have fallen on the following Peers.

Archbishop

Archbishop of Canterbury,
 Lord Chancellor,
 Archbishop of York,
 Lord President,
 Lord Privy Seal,
 Duke of Norfolk,
 Duke of Richmond,
 Duke of Chandos,
 Duke of Portland,
 Earl of Derby,
 Earl of Salisbury,

Earl Fitzwilliam,
 Earl of Chatham,
 Earl of Carlisle,
 Viscount Stormont,
 Viscount Weymouth,
 Lord Grantley,
 Lord Loughborough,
 Lord Sydney,
 Lord Osborne, (Marq. of Car-
 marthen)
 Lord Kenyon.

The *Marquis of Stafford* then moved, " That the Committee appointed to examine the physicians who had attended his Majesty during his illness, touching the state of his disorder, should meet to-morrow morning, and proceed to the examination until the whole was concluded, notwithstanding any adjournment of the House."

" That eight members should be sufficient to proceed to business."

" That no person be admitted to be present who was not part of the Committee."

The resolutions passed unanimously, but previous to putting the first question,

Lord Stormont begged permission to suggest, whether it would not be more judicious to proceed to the examination immediately, rather than delaying it till to-morrow, when it was considered there was a person at that moment attending, whose services, in the morning, might be essentially necessary in another place; and, more especially, as it appeared to him not a very likely circumstance, that the Committee would be enabled to go through the whole in one day; the examination, therefore, at least of the gentleman he had alluded to, he thought would be both prudent and judicious.

Lord Camden was of opinion, there was no necessity of immediately proceeding, on account of the medical gentleman alluded to; because that gentleman would not, probably, be detained any length of time, and instantly would return again to Kew.

The *Marquis of Stafford* said, it was impossible to proceed immediately to business, as several of the Peers who formed the Committee were not present; and he differed entirely with the noble Viscount, as to their not being able to go through the whole at one sitting.

Lord Stormont observed, his opinion was founded upon a report, a vague one he admitted, that the members of another

place, who were employed on a similar business, had made but very little progress indeed.

Notice was then given to the House, that the physicians attended, agreeable to their Lordships' summons, and upon motion, were ordered to be called in and sworn, which was done in the following order: Dr. Warren, Sir George Baker, Dr. Gisborne, Sir L. Pepys, Dr. Reynolds, Dr. Addington, and Dr. Willis, which was no sooner done than their Lordships adjourned to Thursday next.

WEDNESDAY, DECEMBER 10.

HOUSE OF COMMONS.

PRELIMINARY DEBATE *concerning the* REGENCY.

THE *Chancellor of the Exchequer* rose, to move for the nomination of a Committee, to examine and report to the House, all such precedents, as they might find on the Journals of the House, or other authentic Papers, relative to the situation of the King being incompetent to exercise personally the regal functions; whether proceeding from infancy, imbecility, or any other cause. He observed, that the paper from the Privy Council, before laid upon the table, as well as the more regular examinations that had been that day read, gave the House sufficient information, both with regard to the melancholy subject, which had occasioned them to assemble, and the opinions of the physicians, that afforded them reasonable ground to hope, that a happier moment would arrive than the present, though they had not been able to declare the precise point of time of its arrival. Gratified, however, as they might be in that hope and expectation, yet the uncertainty with which their completion might be protracted, rendered it their indispensable duty to proceed, notwithstanding their regret for the occasion, with every degree of dispatch, and in the most respectful manner to take those intermediate steps, which the unfortunate exigency of the moment required, in order to provide for the present serious situation of affairs, with a view to guard the liberties of the people from danger, and secure the safety of the country; that his Majesty might have the gratification of knowing, when the happy moment of his recovery should arrive, that the people whom he had loved and protected, had suffered as little as possible by his illness, and were not neglected at a time when he laboured under the severest visitation of Providence. The point to be agitated on this occasion,

sion, Mr. Pitt observed, involved in it whatever was dear to the interests of the country, it involved in it whatever was valuable to the people, whatever was important to the fundamental principles of our free constitution. The steps to be taken as preliminaries, therefore, to the discussion of this truly interesting subject were such, as he could not conceive could create any difference of opinion.

That the House should have the advantage of the wisdom of their ancestors to guide their proceedings, and act upon the fullest information, he should move for the appointment of a Committee to examine into, search for, and report precedents, from which report they would be enabled to see, what had been the steps taken in former moments of difficulty and danger, whence they might proceed with the greater security, in providing for the present unfortunate and melancholy circumstances of the country. After descanting to some extent upon the necessity of this mode of proceeding, the Chancellor of the Exchequer said, he would not detain the House by enlarging upon it any longer, but as on the one hand, it would serve to throw all the light upon the subject that precedent and history could afford; so, on the other, as he conceived the report of such a Committee as he had mentioned, might be made in the course of the present week, it could very little contribute to retard the dispatch that was so desirable, and must prove of no material inconvenience. With a view, therefore, to give their proceedings every necessary solemnity, and regulate them by every possible degree of caution, he should take the liberty of moving,

“ That a Committee be appointed to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the royal authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.”

Mr. Fox said, he had the good fortune to agree with the Right Hon. Gentleman in most part of his speech: undoubtedly it was their duty to lose no time in proceeding to provide some measure for the exigency of the present moment, but that exigency was so pressing in point of time, that he, for one, would willingly dispense with the motion then made. If the motion was carried, it must be considered, that it was loss of time. What were they going to search for? not Precedents upon their Journals, not Parliamentary Precedents, but Precedents in the History of England. He would be bold to say, nay, they all knew, that the doing so would be a loss of time, for that there existed no Precedent whatever, that could bear upon the present case. There might have been an incompetency, there might have been an inability, in former monarchs, to direct the reins of government, but if such a misfortune had happened to the country, it

had happened, at a time, when there was not the alleviation of a natural substitute. The circumstance to be provided for, did not depend upon their deliberations as a House of Parliament, it rested elsewhere. There was then a person in the kingdom, different from any other person that any existing Precedents could refer to, *An HEIR APPARENT of full age and capacity to exercise the regal power.* It behoved them, therefore, to waste not a moment unnecessarily, but to proceed with all becoming speed and all becoming diligence to restore the sovereign power, and the exercise of the royal authority. When the unfortunate situation of his Majesty was first made known to that House, by a presentation of the minute of the Privy Council, some gentlemen had expressed *a doubt* whether the House could make such a paper a ground of parliamentary proceeding. Mr. Fox reminded the House that he had gone farther, and declared, that he thought the Report of the Privy Council was not an authentic document, nor such as that House could make the ground of its proceedings. That defect had now been remedied, and the House was, in consequence of the regular examination his Majesty's physicians had undergone before a Committee of their own, in possession of the true state of the King's health. That being known to the House, and through them to the nation at large, he contended that it was then, and then only, the precise point of time for the House to decide, and that a moment ought not to be lost. From what he had read of history, from the ideas he had formed of the law, and, what was still more precious, of the spirit of the constitution, from every reasoning and analogy, drawn from those sources, he declared that he had not in his mind a doubt, and he should think himself culpable, if he did not take the first opportunity of declaring it, That in the present condition of his Majesty, *His Royal Highness the Prince of Wales had as clear, as express a RIGHT to exercise the power of sovereignty, during the continuance of the illness and incapacity, with which it had pleased God to afflict his Majesty, as in the case of his Majesty's having undergone a natural demise.* Mr. Fox said, he thought it candid, entertaining this opinion, to come forward fairly, and avow it at that instant. With this opinion, as short a time as possible ought to intervene between the Prince of Wales possessing the sovereignty and the present moment. If the Prince did not instantly claim those powers, to which from analogy, from history, and from the spirit of the constitution he was clearly entitled; if he acted in a manner more suited to his character and education; that moderation should be their strongest incitement. He had been bred in those principles which had placed his illustrious House on the throne, and with a known reverence and regard for those principles, as the true fundamentals of our glorious constitution, in the maintenance of which his family had flourished with

with so much prosperity and happiness as Sovereigns of the British empire. Hence it was, that his Royal Highness chose rather to wait the decision of Parliament, with a patient and due deference to the constitution, than urge a claim that, he trusted, a majority of that House and of the people at large admitted, and which he was persuaded, could not be reasonably disputed. But ought he to wait unnecessarily? Ought his Royal Highness to wait while Precedents were searched for, when it was known that none that bore upon the case, which so nearly concerned him, existed? In the deference and forbearance of the Prince, they were not to forget his *claim of right*. In all their observations, they should remember that there was such a claim existing, and it should serve to hasten their decisions, as far as was consistent with the magnitude of the occasion. Take it for granted, the House agreed to the motion, and proceeded by their Committee to search for Precedents. What Precedents did the wording of the motion point to? It spoke in general and indefinite language. Possibly it might mean Parliamentary Precedents, referring to such contingencies as the present. If that were its meaning, such words as "Parliamentary Precedents," ought to have been expressed in it.

After urging these remarks closely, Mr. Fox said, he should not oppose the motion, but he thought it his duty to say, that it was incumbent on the House to lose no time in restoring the third estate. His Royal Highness, he was convinced, must exercise the Royal Prerogative during, and only during, his Majesty's illness. With regard to the examination of the physicians, he would not take up the time of the House with commenting on the particular answers and opinions of each. However the physicians might have delivered opinions, that might in the minds of some men impress one turn of idea, and in the minds of others a very different turn of idea, three points were, he thought, undeniable inferences from the whole of their examinations, in which he had assisted above stairs. These three points formed the result, and must be the *substratum* on which that House must necessarily raise the superstructure, whatever it might be, that they should deem it expedient to erect. He took the three points to be these:

1. That his Majesty was incapable of meeting his Parliament, or proceeding to business.
2. That there was a great prospect and a strong probability of his recovery.
3. But that with respect to the point of time, when that recovery would take place, they were left in absolute doubt and uncertainty.

Mr. Fox said, he hoped the members of that House would agree with him, that these three points formed the true, fair, uncoloured

uncoloured result of the examination of his Majesty's physicians. He recapitulated the general heads of his speech in his usual manner, and after repeating his willingness to accede to every proposition that was consistent with the due solemnity of their proceedings upon so serious an occasion, and declaring that he did not impute any desire to create delay, or unnecessarily avoid dispatch, to the Right Hon. Gentleman who spoke last, Mr. Fox said, he certainly would not resist the motion, although he had thought it incumbent on him to give his opinion on the subject freely and unreservedly.

The *Chancellor of the Exchequer* commenced a very warm reply, said, that he would not then enter into debate, when the motion before the House had not been objected to, but that the Right Hon. Gentleman had thrown out an idea, which, whatever he might have generally thought of him, as to his penetration and discernment, as to his acquaintance with the laws and general history of the country, and as to his knowledge of the *theory* of the constitution (however he might repeatedly have found occasion to differ with him in respect to his measures and opinions in his *practice* under it) he defied all his ingenuity to support upon any analogy of constitutional precedent, or to reconcile to the spirit and genius of the constitution itself. The doctrine advanced by the Right Hon. Gentleman was itself, if any additional reason were necessary, the strongest and most unanswerable for appointing the Committee he had moved for, that could possibly be given.—If a claim of right was intimated (even though not formally) on the part of the *Prince of Wales*, to assume the government, it became of the utmost consequence to ascertain from precedent and history, whether this claim were founded, which if it was, precluded the House from the possibility of all deliberation on the subject. In the mean time, he maintained, that it would appear from every precedent, and from every page of our history, that to assert such a right in the Prince of Wales, or any one else, *independent of the decision* of the two Houses of Parliament, was little less than TREASON to the constitution of the country. He said, he did not mean then to enter into the discussion of that great and important point, a fit occasion for discussing it would soon afford both the Right Hon. Gentleman and himself an ample opportunity of stating their sentiments upon it. In the mean time he pledged himself to this assertion, that in the case of the interruption of the personal exercise of the Royal Authority, without any previous lawful provision having been made for carrying on the government, it belonged to the other branches of the legislature, on the part of the nation at large (the body they represented) to provide according to their discretion for the temporary exercise of the Royal Authority, in the name and on the behalf of the Sovereign, in such manner as they should think requisite ;

requisite; and that, unless by their decision, the Prince of Wales had no right (speaking of strict right) to assume the government more than any other individual subject of the country. Whatever might be the *discretion* of Parliament with respect to the disposition of those powers, their right to dispose of them was undoubted, and that until the sanction of Parliament was obtained,

THE PRINCE OF WALES HAD NO MORE RIGHT TO EXERCISE THE POWERS OF GOVERNMENT, THAN ANY OTHER PERSON IN THESE REALMS.

However strong the arguments might be in favour of the Prince of Wales (which he would not enter into at present) it did not affect the question of Right; neither the whole nor any part of the Royal Authority could belong to him in the present circumstances, unless conferred by the Houses of Parliament.

In the manner of delivering the important passages of this speech, the Chancellor of the Exchequer shewed peculiar energy and animation. He took notice of Mr. Fox's repeated enforcement of the Prince of Wales's claim, and admitted that it was a claim entitled to most serious consideration; and thence argued, that it was the more necessary to learn how the House had acted in cases of similar exigency, and what had been the deliberate opinion of Parliament on such occasions. He would not allow that no precedent analogous to an interruption of the personal exercise of the Royal Authority, could be found, although there might possibly not exist a precedent of an Heir Apparent in a state of majority, during such an occurrence, and in that case he contended that it devolved on the remaining branches of the legislature, on the part of the people of England, to exercise their discretion in providing a substitute. From the mode in which the Right Hon. Gentleman had treated the subject, the Chancellor of the Exchequer observed, that a new question presented itself, and that of greater magnitude even than the question which was originally before them as matter of necessary deliberation. The question now, was the question of their own rights, and it was become a doubt, according to the Right Hon. Gentleman's opinion, whether that House had, on this important occasion, a deliberative power. He wished, for the present, to wave the discussion of that momentous consideration; but he declared that he would, at a fit opportunity, state his reasons for advising what step Parliament ought to take in the present critical situation of the country, contenting himself with giving his contradiction of the Right Hon. Gentleman's bold assertion, and pledging himself to maintain the opposite of a doctrine so irreconcilable to the spirit and genius of the constitution. If the report of the Committee had not proved the necessity of the motion, he had made, the Right Hon. Gentleman had furnished the House with so
strong

strong an argument for enquiry, that if any doubt had existed, that doubt must vanish.

Let it not then be imputed to him that he offered the motion with a view to create delay; indeed the Right Hon. Gentleman had not made any such imputation. In fact, no imputation of that sort could be supported, since no longer time had been spent after the day of their first meeting, than was absolutely necessary to ensure as full an attendance as the solemnity and seriousness of the occasion required: since that time every day had been spent in ascertaining the state of his Majesty's health, and now the necessity of the case was proved, it behoved them to meet it on the surest grounds. Let them proceed therefore to learn and to ascertain their own rights; let every man in that House, and every man in the nation, who might hear any report of what had passed in the House that day, consider, that on their future proceedings depended their own interests, and the interest and honour of a Sovereign, deservedly the idol of his people. Let the House not therefore rashly annihilate and annul the authority of Parliament, in which the existence of the constitution was so intimately involved: but let them conduct themselves according to parliamentary laws and usage, without attending to doctrines which militated against every principle of the constitution, and against its spirit, since it could be regarded as having taken a shape or a name.

Mr. Fox replied, that either the Right Hon. Gentleman had misunderstood him, or that he had rested himself on the use of an equivocal word. If it was meant that the sovereignty should be settled in all cases by *Parliament*—meaning thereby the King, Lords, and Commons, he should readily agree to the principles which had been laid down; and that a Parliament of that constitution, being full and complete, had it in its option and power to alter the succession to the Throne, or in any other way alter the existing laws and constitution. But if the same was alledged of the two Houses acting without the kingly sanction, the reverse of those principles was the truth. They were in that state, maimed of their powers;—they could pass no law, but were to await the operation either of some provisional statute, or of the principles of the constitution, as they had been generally laid down. If they proceeded to regulate, or to limit the bounds of the executive power, they acted contrary to the spirit and to the letter of the constitution. This was the law, as laid down by the statutes of the realm; and if he maintained the contrary of this doctrine, the Attorney General should, in duty, prosecute him for Treason, and he must incur all the penalties of a *premuire*. If this was the language deemed *reasonable*, he should repeat it in so many words—that the PRINCE of WALES, in his opinion, stood possessed of the sovereign power, by virtue of the

civil

civil demise, in the manner as he would have done by the natural demise of his father, and as independently of any interference of Parliament.—But when this last word was so often repeated, it should be recollected, that a question might be put, whether they sat as a *Parliament*, or merely as a *Convention*. If as the latter, they were of course no perfect Parliament; and former conventions, whose meetings were justified by necessity, and to whom we owe every thing we hold dear, were too wise either to take the name of Parliament, or to attempt any measures until they had restored that third branch of the constitution to which it owes its form and energy.

He declared he held it to be a clear point, that they were not at that time a perfect Parliament. Whether there might be some in that House, who had a wish to nominate, appoint, and perhaps to limit a Regent in the exercise of the sovereign authority, he could not say; perhaps they might be driven by a declaration of that House, to the necessity of electing a person to exercise the Royal Prerogative. He had ever heard that the Crown was *hereditary* and not *elective*, and that, because it was thought best for the happiness and freedom of the people. He had heard indeed of some old bigotted persons, who formerly contended for indefeasible right and right divine, which no earthly power could annul, but all that abominable and pernicious doctrine had long since been reprobated and exploded. The Crown was declared hereditary by known laws, grounded on other and on wiser principles; and did not those laws that made the Crown hereditary, make the executive government of the country hereditary likewise? He would maintain the treasonable words he had been charged with, that during his Majesty's illness, and only during his incapacity to discharge the duties of the high office his Majesty was invested with, *His Royal Highness the Prince of Wales* had an undoubted claim to exercise the sovereign authority in the name and on the behalf of his Royal Father. It was the duty of the two Houses to restore the Royal Authority, and that immediately; and he denied the Right Hon. Gentleman, acute as he was, to contradict that assertion; but, if the two Houses of Parliament took advantage of the present calamitous state of the country, to arrogate to themselves a power to which they had no right, they acted contrary to the spirit of the constitution, and would be guilty of Treason.

The *Chancellor of the Exchequer* said, he did not rise to reply, nor to use any equivocal language. He desired to be understood, that it might be known what the point was, upon which the Right Hon. Gentleman, and he were at issue. He asserted, that to make a provision for the exercise of the executive power of the government during the interruption of the personal exercise of the Royal Authority by sickness, infirmity, or otherwise, must
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rest with the remaining existing branches of the legislature. It was a matter entirely in their discretion; what that discretion was, he should not then discuss, but should only say, if the Right Hon. Gentleman's doctrine was what he understood it to be, namely, that the two Houses had no such discretion, and that his Royal Highness had a claim to the exercise of the sovereign power, which superseded the right of either House to deliberate on the subject, there was an essential difference between their respective arguments, and that difference constituted the point upon which they were at issue.

Mr. Burke declared, that the style and manner in which the Right Hon. Gentleman had debated the question, had perfectly astonished him; if ever there was a question that peculiarly called for temper and moderation in the style and manner of its being debated, it was that to which the present argument referred; not an affliction of bodily infirmity, not an illness affecting the meanest and most perishable part of the human frame, but when the most low and humiliating of all human calamities had fallen upon the highest situation. In that moment, when it peculiarly behoved every one of them to keep himself cool, and preserve the little share of reason with which God had blessed him, the Right Hon. Gentleman had burst into a flame; he had fallen into a fury, and, with a degree of unpardonable violence, accused others of treason, because they had ventured to mention the rights of any part of the Royal Family. The Right Hon. Gentleman, in such a case, *Mr. Burke* said, must not only have been oblivious of what the people expected at their hands, but of what he owed to the importance and delicacy of the subject, and to his own high situation and character. The Right Hon. Gentleman had expressed his hopes for a Regency in a subject, at the very time that he was accusing them of Treason. When he could not convince any one by his arguments, he had endeavoured to intimidate all who had dared to mention only the rights of the Royal Family, and had threatened them with the lash of the law. Where was the freedom of debate, where was the privilege of Parliament, if the rights of the Prince of Wales could not be spoken of in that House, without their being liable to be charged with Treason by one of the Prince's COMPETITORS!!! [Here a loud cry of order from the other side of the House.] *Mr. Burke* said, he would repeat and justify his words. The Right Hon. Gentleman had expressly declared that the Prince of Wales had no more right to claim the exercise of the sovereign power, than any other individual subject; he was warranted therefore in stating the Right Hon. Gentleman as having described himself as one of the Prince's competitors. For his part, *Mr. Burke* said, he was too humble in situation to make such a renunciation of right to the Crown

Crown himself, but he would venture to say, that none belonging to the proudest and most exalted families, those who enjoyed the highest dignities, and were loaded with the most splendid titles and honours, would dare to hope for a chance of the Regency, or to state themselves as having an equal right to claim it with the Prince of Wales. He then ironically said, he must own he trembled when he considered that he stood before that Prince who held the last of vindictive law over the heads of those who dared to question the subject.

The Right Hon. Gentleman had talked of the discretion of that and the other House of Parliament; let him remember, that the first step of discretion was coolness of temper, and let him shew his own discretion before he recommended it to others. He was not of consequence enough formally to renounce the *competition*, as that Right Hon. Gentleman had just done, but, entitled to the dignity of an *elector*, he should certainly not give his vote to one, who, as if in anticipation of his powers, was already spreading around him the penalties of Treason, and turning the mere act of opposition to his will, to a high crime and misdemeanor. The *prince*, opposite to him, ought not to measure people of low and timid dispositions by his own aspiring greatness of soul. He had read in some old law book, that nothing was so dreadful as when a subject was convicted of Treason, without knowing what he had done that was treasonable. Let the Right Hon. Gentleman recollect the 25th of Edward the Third, and not be so eager to hurl his constructive Treasons on the heads of those who differed from him respecting the Regency. He had ever understood, Mr. Burke said, that our constitution was framed with so much circumspection and forethought, that it wisely provided for every possible exigency, and that the exercise of the sovereign executive power could never be vacant. If in the Court of Chancery, a person had suggested that the rightful heir ought to have the custody of the estate, and the case was exactly in point, to what punishments would he not have subjected himself, if such a Judge was to hold the decision of the Court? But perhaps the Charge was thrown out merely to advise in the first place, that the Prince of Wales had no more right than any other person; and all his hitherto conceived notions of the meaning of a loud and most vehement tone of voice, was possibly wrong; it meant nothing more than to make the expression it accompanied clearly understood. Be that as it might, if he were to give an elective vote, it should be in favour of that Prince, whose amiable disposition was one of his many recommendations, and not in favour of a Prince, who charged the assertors of the right and claim of the Prince of Wales with constructive Treason.

Mr.

Mr. Pitt said, that when the Right Hon. Gentleman who had last spoken, stood forward as the advocate and specimen of moderation, he was undoubtedly entitled to every respect. If therefore he had before spoken with any intemperance, he could now coolly and gravely assure him, that what he had said was the result of mature reflection, and that he was not disposed to retract a single syllable.

The Chancellor of the Exchequer then calmly reworded the main point of his former argument, and maintained that it was little less than treason to the Constitution to assert, that the Prince of Wales had a claim to the exercise of the sovereign power during the interruption of the personal authority of his Majesty by infirmity, and in his life-time; a claim that superceded the deliberate power and discretion of the two existing branches of the legislature. And, when he had said the Prince of Wales had no more right to urge such a claim than any other individual subject, he appealed to the House upon the decency with which the Right Hon. Gentleman had charged him with placing himself as the competitor of his Royal Highness. At that period of our History when the Constitution was settled on that foundation on which it now existed, when Mr. Somers and other great men declared, that no person had a right to the Crown independent of the consent of the two Houses, would it have been thought either fair or decent for any member of either House to have pronounced Mr. Somers a personal competitor of William the Third?

The question was then put and agreed to.

The following members were named and moved as a Committee, viz.

The Chancellor of the Exchequer.

Welbore Ellis, Esq.	Lord Advocate of Scotland,
The Master of the Rolls,	Marquis of Graham,
Right Hon. F. Montague,	Lord Belgrave,
Attorney General,	Sir Grey Cooper,
Robert Vyner, Esq.	William Wilberforce, Esq.
Right Hon. Henry Dundas,	Right Hon. Wm. Wyndham,
Thomas Powys, Esq.	Philip Yorke, Esq.
Solicitor General,	Earl Gower,
R. B. Sheridan, Esq.	W. W. Grenville.
William Hussey, Esq.	Right Hon. Edmund Burke.

The other usual orders were made, viz.

“The Committee to sit, notwithstanding the adjournment of the House.”

“To adjourn from time to time, &c.”

The *Chancellor of the Exchequer* then moved,

“That

"That the Call of the House, which stands for to-morrow (this day) be put off to this day se'nnight, (Wednesday next.)"

The House was upon motion adjourned till to-morrow, when the Report is expected to be made by the new Committee.

The House rose at half an hour after six o'clock.

THURSDAY, DECEMBER 11.

THE HOUSE OF LORDS

MET pursuant to their adjournment.

Prayers being read, at four o'clock, the Chancellor took his seat on the woolfack, when the Lord President immediately brought up the Report of the Committee appointed to examine the King's physicians. Lord Camden having moved, that the Report should be read, it was read accordingly, by the Clerk, at the table.

The questions that were put to the physicians, and the answers to them, were most of them in substance the same, or similar to those that had occurred in the examination before the Committee of the House of Commons. It is therefore, only, necessary to notice whatever new points were touched upon.

Doctor Willis was the first examined. His opinion as to the King's incapacity to transact business, the probability of cure, the uncertainty of the time when that cure may be hoped for, was the same as before. His greatest doubts applied rather to his Majesty's peculiar situation, than to the state of his disorder. His anxiety and perturbation of mind, on finding in what a dismal condition he had been, might perhaps, when his Majesty was recovering, rather retard the cure.—On being questioned as to the particular species of his Majesty's complaint, Dr. Willis expressed an apprehension that he might be led to explain more than it was proper to divulge. He said, however, that there were two kinds of that complaint; in the one, the patient was low-spirited and desponding; in the other, violent and active. The former was the more difficult to cure; and his Majesty's disorder was of the latter species.

Doctor Warren next appeared before the Committee. When he was asked, whether there was reason to imagine that his Majesty would ever be able to assume his functions with the same vigour and steadiness of intellect as before: he said, that he had no *data* to go upon in answer to that question.

Being asked, whether the King had yet shewn any symptoms of returning intellect? He answered, That he had not.

Sir George Baker was next examined. The questions that were put to him, brought out a kind of history of his Majesty's complaint. He had first observed his Majesty's disorder on the evening of Wednesday the 22d of October. The next morning, when he went to visit his Majesty, he was perfectly composed, and remained so till the following Monday the 27th of October, when the disorder returned with redoubled violence. Being asked, whether since that time it had abated? He answered, that it had not.—He was questioned as to any previous complaint, which might be the cause of his Majesty's present malady, or connected with it. He said, that on the 17th of October, he was sent for to visit the King, who was seized with a disorder to which he had been often subject before. This disorder Dr. Baker termed a *biliary concretion in the gall duct*. Of this complaint he got entirely well two days before he was seized with the present malady. Sir George Baker did not, however, consider this, or another illness which he contracted, by going from Windsor to London in wet stockings, as either the cause of his present disorder, or connected with it.

Dr. Addington made a favourable inference from the circumstance of his Majesty not having had any previous melancholy, which is generally a forerunner of a bad case. He thought, with the other physicians, from what he had observed in the course of his experience, that it was probable his Majesty would recover, unless the illness was occasioned by an internal derangement in the brain, and too great a pressure on the *sensorium*.

Sir Lucas Pepys and Doctors Gisborne and Keynolds, were afterwards examined. The questions put to them were very few; and they brought out no further information than what was received from the evidence of the other physicians.

The Reports of the physicians having been read by the Clerk, the same was ordered to be printed for the use of their Lordships.

The *Lord President* rose, and observed to their Lordships, that they were now in possession of the most authentic information of the melancholy situation of the Sovereign. Though the physicians had unanimously flattered them with hopes of his Majesty's recovery; yet they had at the same time declared, it was not in the power of practice or experience to fix any date for the wished-for event. It was therefore incumbent on the two Houses of Parliament in the present maimed, impotent, and defective condition of the Legislature, to proceed to make some provision for the purpose of supplying the deficiency, and restoring energy and exertion to the executive Government of the country.

country. Before, however, they proceeded to that very important and necessary step, he should take the liberty of moving for a Committee to search for and report Precedents of the proceedings in similar cases, or cases at all analogous to the present; in order that having fully before them what the wisdom of their ancestors deemed necessary modes of proceeding in cases of difficulty and danger, they might meet the necessity of the moment under circumstances of the greater safety. The propriety of such a motion was so obvious, that he should have conceived no possible objection could have been offered to it, but that it would have passed as a motion of course. Previous, however, to his making this motion, his Lordship said, he found it impossible to avoid taking notice of a report, that a *new* doctrine had been broached in another place; new it certainly was to him, for in all his experience either in law or politics, such an idea had never come across him. It had been declared to have been founded in Common Law and in the Spirit of the Constitution. If such was the Common Law and such the Spirit of the Constitution, his Lordship declared it was wholly unnecessary for the House to give themselves the trouble of searching for Precedents, because the idea to which he alluded, put an end at once to their power of deliberation on the subject. The idea was, that the Heir Apparent being of age, had a *claim* to assume the regal authority, and take upon himself the administration of the Government *as a matter of right* during the period, that his Majesty laboured under the disorder that rendered him unable to discharge the regal functions. If this was the common law, his Lordship protested it was a secret to him; he never had entertained any such notion, nor had he, before the present occasion, either met with it in any writer, or heard it laid down as a maxim by any lawyer whatever. From all that he had learned or could imagine of the principles of the English constitution, the settlement of the executive power in its present ambiguous and inefficacious state, rested with the two Houses of Parliament. Those who broached such a notion, his Lordship said, would have done well, to have been sure that they were right, before they hazarded so new and so extraordinary a doctrine, because opinions of that tendency were much sooner raised than laid, and might involve the country in infinite confusion and disorder. The assertion of such doctrine, however, was as strong an argument in proof of the expediency of the motion, he meant to offer, as could possibly be urged, because their Lordships, he conceived, had too much regard to their own dignity, to admit themselves to be usurpers of the rights of another, without first searching and examining Precedents that would convince them whether they were usurpers or not. Having made a prefatory speech to this effect, the Lord President moved,

“ That a Committee be appointed to examine and report Precedents of such proceedings as may have been had, in case of the personal exercise of the Royal Authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same.”

Lord Loughborough rose, the moment the motion was handed to the Lord Chancellor, and said, he was aware that it was unusual for any Lord to speak before a motion had been read by the noble and learned Lord on the woolsack, but on the present occasion he must claim the indulgence of their Lordships for a few moments, as he wished to declare, that he had not upon his coming down to the House expected that any thing could arise to make it necessary for him to trouble the House that day. His being present was, upon his honour, purely accidental; when he left the Committee-room the preceding day, and had discharged that duty which had been laid upon him by their Lordships, he had understood that there would be nothing done farther than a motion of course, and the unusually thin attendance that there had been early in the day, and the manner in which noble Lords had come into the House, so contrary to the manner in which they had attended ever since the melancholy occasion of their meeting had occurred, all led him to imagine that there would be no discussion, nor indeed, discourse of any kind. It had always been customary in cases of an infinite less momentous nature, to go on step by step; and in fact, so convinced had he been, that no debate would arise, that he had himself been the innocent cause of keeping other Lords from coming down, who would have made a point of being present, had they foreseen, that any such subject as that mentioned rather irregularly by the noble Earl, in opening a motion, to which it bore not properly any relation, would have been introduced. When he looked round the House, he regretted exceedingly the absence of several noble Lords, and particularly of one noble and illustrious person, who was most peculiarly interested in the discussion that must necessarily take place. The topic, however, having been introduced, though irregularly, he should be under the necessity of following the noble Lord's example, and delivering such of his sentiments upon it, as presented themselves to his mind at the moment, but as he was taken unawares, and must necessarily speak unprepared, he trusted to their Lordships candour and indulgence to excuse the loose manner in which he might deliver himself. He therefore hoped the noble and learned Lord would not press his motion, when the House was so unprepared.

Lord Camden persisting.

The *Lord Chancellor* read the motion.

Lord Loughborough again rose, declaring, that unprepared as he was, he could not suffer it to pass in silence, especially after
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what had fallen from the noble Lord. His Lordship complained of the wording of the motion, as vague and indefinite; that no clear idea could be annexed to it. It did not confine the Committee to search for any distinct, precise line of precedents, but left them at large to examine general history, and report just as much or as little as they thought proper. The expression "*or otherwise*," he said, was so indefinite, that no clear idea could be annexed to it. In his opinion, therefore, the motion should have been differently worded, if the House expected to derive any useful or material information from the institution of the Committee. He believed it was not perfectly parliamentary, to advert to what passed in another place; but he certainly should be forgiven if he erred with so good an example.

The noble Earl (*Camden*) had expressed his astonishment at a doctrine that, he said, had been broached, respecting the Prince of Wales. He believed that it had been misrepresented; or he was confident, from his Lordship's knowledge of the law and constitution of the country, it would, instead of exciting his wonder, have met with his concurrence. There was, however, another doctrine set up, in opposition to the one alluded to by his Lordship, which was as much a matter of astonishment to him, as the other could have been, in whatever colours it might have been misrepresented to the noble Earl. And if he was surprised at the doctrine itself, he confessed himself still more so at the source from whence it had been derived. It seemed to be taken from a *miserable pamphlet*, the work of a *venal pen*, the argument of which went to prove, that in the present melancholy situation of the Sovereign, the two Houses of Parliament had inherent powers to *elect a Regent*.

This most extraordinary assertion, that had been boldly, arrogantly, and presumptuously made elsewhere, he had found in that wretched publication. This pamphlet and report stated, that the Prince of Wales, the heir apparent to the throne, had *no more right* to take upon himself the government during the continuance of the unhappy malady that incapacitated his Majesty, *than any other individual subject*. No more right, as the vulgar had it, than the *Lord Mayor*. Was it meant, by these kind of assertions, that if any incapacity fell upon the crown, a temporary head to the executive part of government became *elective*? How was the election to proceed? Was it to be by ballot, who were to be, and what was the form of nominating the candidates? — He felt as much duty to the crown, and, he trusted, had as much loyalty to the sovereign as any man in the kingdom; but he was free to confess, that he should feel himself extremely awkward was he to become an elector upon such an occasion.

That the Prince of Wales, however, stood in a different estimation to every other individual, according to the constitution of
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this country, he would undertake, as a lawyer, to prove. Those who had read Coke, Foster, and Blackstone, knew that the Prince of Wales and the crown, in many cases, were considered as one; the Prince of Wales, for instance, could proceed on an action, and obtain judgment as king—it was high treason to suppose the death of the heir apparent; was it so with any other person?

There was a principle, his Lordship said, so closely connected with every idea which he had ever entertained of the constitution of the country, that he could not separate them for a moment: that was, that the law had been so provident, as to point out, in every possible case, except two, where the kingly power was vested. The cases in which it did not point it out, was either when the sovereign broke the original contract between the King and people, invaded and overthrew the constitution, and thus abdicated the throne; or where the royal line became entirely extinct. In these cases the two Houses of Parliament had a right to supply the deficiency. In all other cases, the law either expressly, or by the clearest analogy, pointed out the successor.

This succession was so indisputably assigned, and marked out by law, that nothing but an act of Parliament could change it; and this had been declared in the act for settling the present family upon the throne.

His Lordship took notice of the Lord President's having declared, that the legislature was *maintained*, *impotent*, and *defective* at present;—it certainly was so, wanting its invigorating head and spring. That was another reason, to prove that the two Houses of Parliament could not *elect*, *nominate*, or *appoint* a *Regent*.

It was a chimera to suppose, that the two Houses of Parliament (as they might be called, though they did not of themselves constitute a Parliament) could enact any thing to bind with the force of law. They could not so much as pass a turnpike bill. This was not only declared in the act of succession, but by another act in the 13th of Geo. II.—Any person asserting or maintaining in writing, that any two branches of the legislature have the power and efficacy of all the three, was rendered subject to the penalties of a *premunire*. The two Houses had been called together in virtue of the royal summons, and the King's writ: they were incomplete without the third branch of the legislature; nor were they competent to proceed to any business, unless it were to declare and announce to the public where the executive power was vested.

If they could change the government, or change the succession, they might give it any form they chose; appoint a Regent, more Regents than one, or give it the form of a *Mahratta* government. There was no saying to what an extent of infringement of the constitution the two Houses might not proceed, if they

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once broke through the barriers which the law and the constitution had prescribed.

The two Houses were certainly legally met, and of course had a right to lend their assistance on the present emergency, to give that advice their wisdom enabled them, and to complete that form of government, which our ancestors had wisely determined should consist of three distinct branches.—His Lordship stated the case of no Parliament existing. Could any one doubt for a moment, that in such an emergency as the present, the heir apparent would suffer the kingdom to remain in a state of anarchy? On the contrary, would he not issue writs, in the name of the King, for the meeting of a Parliament. If his interference held good in one case, it certainly did in the other—his Lordship begged to be understood, as not treating the subject upon account of the amiable virtues of the present heir apparent; they must be too firmly rooted in the breast of every one to need his feeble panygeric, but upon the case in general.

This, he contended, were it possible for such a case to exist; were Parliaments not constantly kept on foot, would be the conduct of the heir to the crown. Such should be theirs to him on the present occasion. It was a mistake to suppose, that the Prince considered the two Houses as usurping or withholding his rights. He waited patiently the issue of their deliberations, and knew that it was they who were to announce and declare him to the nation. No idea had ever been in agitation, that he was to step forward and *assume* the *regal authority*, without the recognition of the House of Lords and Commons.

His Lordship, as a further argument, observed, that supposing their Lordships really had the power to *elect* a Regent, what would be the consequence of the Regent's finding a more sacred person in the kingdom than himself. The Prince's person is considered sacred by law.—It would be *high treason* to attempt the life of the Prince, but not of the Regent. What an absurdity! Would not this tempt the Regent to apply to the two Houses for an extension of the law of treasons? Perhaps, indeed, if all was true that he had heard, should the election fall upon a gentleman he could name, their Lordships might soon be employed to extend the acts for punishing treason according to his own conception. In reality, the Regent thus appointed, would be merely a *pageant*, the *puppet* of the two Houses; and as they would have the restriction, the limitation, and perhaps the recal of his power, the two Houses of Parliament would possess the whole legislative and executive authority in their own hands, to the utter annihilation of our happy constitution.

His Lordship next proceeded to consider, who, in such a case, would have the custody of the Prince's person. Two suns cannot shine in one hemisphere; and it perhaps would be necessary

for the Prince to move to some other part of the British dominions. This led his Lordship to another important consideration. There was, he observed, another country, a part of the British empire, though subject to the same monarch, and governed by the same laws, yet represented by a distinct Parliament. He had no doubt, that the loyalty, the justice, and good sense of that people, would induce them to tread in our steps, provided we ourselves followed the track that was clearly traced out by the law and Constitution of the realm. But would they adopt our election? Surely not. They would have an equal right to elect for themselves; and if we departed from the law, from the rule of hereditary succession, they would think it necessary to leave us the moment of our departure, and choose a Regent of their own.

He then shewed, that the maxim, which an attempt was now made to establish, was subversive of all the principles of an *hereditary succession*, and was making the crown *elective*, the Parliament a *Polish Diet*.

The single precedent of a Regent having been appointed by an House of Parliament to be found in our history was, he said, the horrible precedent in the reign of Henry VI. a precedent that led to the desolation and distraction of the country, and all the wars between the Houses of York and Lancaster. In that case, the House of Lords, singly, named the Duke of York Protector, who was, of all others, the most unfit person to be invested with that power, but who had so many relations and adherents in that House, that he procured himself to be appointed Protector. From that miserable instance, their Lordships would see that the only branch of the legislature, which had ever assumed the power of electing a Regent, was their own House.—Were their Lordships prepared to follow the example, and would the other House consent that they should arrogate to themselves that power? or if that was the precedent which was to guide them; as the *Duke of York* was then chosen Regent by the vote *only of the Lords Spiritual and Temporal*, he wondered how the *Commons* could be so arrogant as to *claim*, from thence, the *right of electing a Regent*.

His Lordship maintained his positions, that the Regency was *hereditary* and not *elective*, that the heir apparent had a right, during the interruption of the personal exercise of the Royal authority, by his Majesty's illness, to assume the reins of government, but declared, that he did not mean that the Prince of Wales could violently rush into the government, but that upon the authentic notification of the King's unfortunate incapacity to the two Houses of Parliament, the Prince ought, of right, to be invested with the exercise of the royal authority. His Lordship referred the House to Mr. Justice Forster's Treatise on the Principles of the Revolution, Mr. Justice Blackstone's Chapter of his Commentaries that treated of Regal Power, and to the produc-

tions of other constitutional writers, as well as to the speeches of Lord Somers and others, who conducted the Revolution, as the authorities by which his arguments would be found to be supported. He repeated his apology for the loose form in which he had expressed his sentiments, declaring that they were opinions, nevertheless, not lightly nor hastily adopted, but confirmed and established in his mind, after much mature and serious deliberation on the subject. Before he sat down, his Lordship said, when an opportunity offered for his discussing the subject with better preparation, he would pledge his credit as a lawyer, that he would produce fifteen or sixteen precedents from history, that would corroborate what he advanced, and maintain, by a series of inferences from common law, the spirit of the Constitution, and analogy, to the conviction of every man of common sense, the truth of the doctrine he had then reasoned upon.

The *Lord Chancellor* left the woolsack, and with much solemnity expressed his dissatisfaction, that in the progress of a business peculiarly grave and important in its nature, there should have occurred any thing like a difference of opinion, or unpleasant altercation. He had been in hopes, that the melancholy business, on which they were called upon to consider for the good of the community at large, they would have been guided by zeal and temperance; and that warmth and ill-temper would have had no share in their deliberations. Had their Lordships waited till the ultimate question came under discussion, in all probability there would not have been found so much disagreement on any side, and consequently much of what had been said that day might have been spared. His Lordship declared, all that he had heard that day had not satisfied his mind. He wished, therefore, before he was to give his opinion upon so delicate a subject, to have the full advantage of every information, and every precedent that could be found, that bore any sort of analogy to the present unfortunate and calamitous situation of the country. With regard to the doctrine that had been maintained by the noble and learned Lord who spoke last, though every thing that came from a magistrate of his distinguished situation, came with great force and authority, he could only say, that it was perfectly new to him, and that he had not heard it before. If the Prince of Wales possessed this undoubted right, then the deliberations in Parliament were useless and nugatory. His Lordship professed he was of a different way of thinking. He did not mean to assert, that they were to make a mere election business of it, but they certainly possessed an incontrovertible privilege to *advise* what ought to be done.—He should not say, that in the present case, the Regency ought to be vested in the great officers of state, that would be absurd and impolitic—nor, in the Privy Council, which was now more numerous, and, perhaps, on that account, more respectable than formerly.

formerly. The same objections held good against both, but surely Parliament had an undoubted right to *advise* upon the occasion. The noble and learned Lord, he observed, had remarked, that in the eye of the law the Prince of Wales and the King were one and the same. Would their Lordships take a metaphorical expression, and force a literal meaning upon it? His Royal Highness the Prince most certainly was peculiarly distinguished by his rank, and birth, and dignities; it ought, however, to be recollected, that he was, nevertheless, a subject. He did not wish to be considered, in what he should submit to their Lordships, as speaking personally of the present illustrious personage, whose merit he could long dwell upon, where it might not appear arrogance in him to do so. The noble and learned Lord had, in the course of his argument, put the case in two different points of view; he had suggested, that his Majesty's unfortunate illness might have happened in the intermission of Parliament, as well as having happened as it had done, while the two Houses of Parliament met in the usual and regular way, and the noble and learned Lord had said, in the case of an intermission of Parliament, would not the heir apparent have been warranted in taking upon himself to issue writs and call the two Houses together? He certainly would have been right in so doing, but then it must be considered he must have done it in conjunction with the great officers of state; and even in that case, on the meeting of that Parliament, an act of indemnity might have been thought necessary. The fact, his Lordship said, had actually happened in the reign of Henry the Sixth, when the heir apparent did issue writs, and call the Parliament together; but what was the first proceeding of that Parliament? They passed an act of indemnity for those, who advised the measure of putting the Great Seal into the hands of an infant only nine months old. Having explained this historical fact, his Lordship took notice of what had fallen from Lord Loughborough respecting Ireland, and lamented that it had been dropped, since it was *spargere voces in vulgum ambiguas*. Such vague and loose suggestions, he said, could answer no useful purpose, but might produce very mischievous consequences. He declared he had every reliance on the known loyalty, good sense, and affection of that country, and felt no anxiety on the danger of Ireland's acting improperly. He did not entertain a doubt, that the wisdom of the sister kingdom would be as conspicuous on this, as on all former emergencies. He said, he should purposely avoid entering at all into the discussion of the important topics that had that day engaged so much of their Lordship's attention, because he considered such a discussion as premature, and did not think the question ought to be in any degree pre-occupied; indeed, he saw no other end that could arise from it, but affording a subject for a frivolous paragraph in a newspaper, to set idle people talking

ing upon which side of the argument this or that noble Lord spoke, while the sensible by-stander would observe, that their Lordships had began at the wrong end, and were discussing the conclusion before they had settled the premises. His Lordship said, it was unnecessary for him to use any arguments in justification of the motion, as no objection had been made to it. He complimented Lord Loughborough on his having spoken of a Prince of Wales in the abstract, without affecting, in the treatment of such a delicate subject, to rest any part of his argument on the personal virtues of the present Heir Apparent. His Lordship spoke of the impossibility of separating the natural and political character and capacity of the King, and said, while the Crown remained firmly fixed on his Majesty's head, the difficulty lay in appointing a proper Regent.

His Lordship further remarked, that though there did not exactly occur to his recollection, any precedent, pointing out a mode of acting, on the present emergency; yet that since the reign of Edward the First, every precedent of Regency was, in some degree, applicable; and that to appoint a Sole Regency at this time, would be to place an empty Crown on the head of our beloved Monarch. But, that, let the future conduct of both Houses, be what it might, if any analogy or precedent could at all be applied, the best mode of obtaining such authority, would be by appointing a Committee for that purpose. He confessed, in case of the *demise* of the King, there could not arise a question relative to the succession; but that, from a temporary infirmity, it would be a dangerous innovation in the constitution, and perhaps give rise to a train of misfortunes to which this country had been unaccustomed. He therefore conjured their Lordships to postpone a conclusive opinion, till such information could be obtained, as might sanction their proceedings. He assured their Lordships, that his principal reason for rising, was a hope to prevail on them to carry their debate no farther.

Lord Loughborough rose again to declare, that what he had said, certainly had not originated in any wish that the sentiments of so humble a speaker as himself might appear in a newspaper. His Lordship observed, that it was unnecessary for him to make any reply to the noble and learned Lord, since, as far as he had proceeded, the noble and learned Lord had admitted the facts that he had suggested.

The Lord Chancellor came again from the woollack to declare, that it had been far from his intention to impute to the noble and learned Lord any such motive for his argument of that day as a desire to see his speech in a newspaper; he should, he declared, be ashamed to ascribe any such motive to a member of either House, or, indeed, to any gentleman whatever. He had merely
stated

stated the consequence that might result from prematurely agitating important questions which were not yet before them.

Earl Stanhope said, he was in the country when the news reached him of his Majesty's unfortunate illness, and he came to town with no other sentiment than a determination to oppose the proposition of saddling the Regent with a permanent council, if any such proposition should have been made. But he could not sit silent and hear it denied to the two Houses of Parliament, that they had the power, in case of a vacancy of the throne; or the interruption of the personal exercise of the Royal Authority, to make provision to supply the deficiency; he insisted they had an undoubted right to *elect whom they thought proper* as Regent during the incapacity of the King. His Lordship addressed his argument chiefly to what had fallen from Lord Loughborough, and read an extract from the Bill of Rights touching the conditions on which the Prince of Orange and the Princess Mary were offered and accepted the Crown; that declaration, he observed, was the act of the two Houses of Parliament. He next asked how the Hanoverian family came to the Throne? and stated different instances of the two Houses interfering with regard to the succession to the Crown, to prove that their interference was constitutional.

The *Duke of Norfolk* observed, that the greatest part of what had been said was foreign to the motion before the House, to which he wished to confine himself. His Grace argued against the introduction of the words *Infaney*, and *otherwise*, and wished it had been limited to sickness only, because he was sure then, that no precedent whatever could have been produced from the history of the Country, much less the records of that House, yet, their proceedings would have had the necessary solemnity, and the Regency might at once be placed where the claim of Nature gave, and the voice of Reason would assign it. He therefore coincided with the opinion of the learned Lord, and conceived the propriety of addressing HIS ROYAL HIGHNESS, requesting him to undertake the Government of the Realm.

The *Lord President* justified the wording of the motion, and declared, that his head must be strangely illogical, if the term *infancy* was not peculiarly in point to the present occasion.

Lord Stormont supported the arguments of Lord Loughborough, and added several others in confirmation. His Lordship said, by the approbation that had been signified when the declaration, that the Prince of Wales had no more right to exercise the Royal Authority, during his Majesty's unfortunate illness, than any other individual subject, was alluded to; he was persuaded it was a favourite doctrine with noble Lords of a certain description, and that it was thrown out with a view to feel the pulse of the nation. He contended against the idea of the Regency being elective,

elective, and argued, that if that doctrine were admitted, it would entirely change the Constitution, and turn a monarchical Government into a Republick. He reminded Earl Stanhope, that his arguments on the Bill of Rights and the Revolution were irrelevant, in answer to what had been said by Lord Loughborough, that noble and learned Lord having expressly mentioned, that the two Houses of Parliament could legally provide a successor to the Throne, only in two instances; one of which was, when a subversion of the government took place by a breach of the original compact between a Sovereign and his subjects, which was precisely the case at the Revolution. He complimented the noble Earl, however, on his objection to saddling the Regent with a permanent council, and instanced the case of the King of Poland, who, with virtues and talents to do honour to human life, is rendered insignificant by a *permanent council*. The most distinguished abilities in an *elective* Monarch could not prove advantageous to his people, or render his government either beneficial or glorious while he was thus fettered; a step which, he was afraid, was intended to be adopted here, and which could not be too much reprobated. His Lordship declared, in the name of the Peers of Scotland, that if the two Houses took upon themselves to depart from the rule of succession, and elect a Regent, the Nobles of his part of the Realm would consider the Act of Union as suspended. After ridiculing the idea of setting up a competitor with the Prince of Wales, mentioning the case of the *Duke de Guines*, who boldly usurped the Regency of France; and speaking, in terms of affectionate sorrow, of his Majesty's illness; his Lordship concluded with earnestly recommending, that an address of the two Houses, intreating the Prince of Wales to assume the exercise of the Royal Authority, and hold it during his Majesty's incapacity, should be voted and presented to his Royal Highness.

Lord Sydney avowed it to be his opinion that during the interruption of the personal exercise of the Royal Authority, occasioned by his Majesty's illness, no person however high his rank, however distinguished his birth had a legal claim to assume it as matter of right. His Lordship remonstrated against the unfairness of arguing that a particular declaration must have been the declaration of a Right Hon. Friend of his in another place, because a noble and learned Lord had met with it in what he called a miserable pamphlet, the produce of a venal pen.

Lord Portchester said, the secrecy with which every step in relation to his Majesty's illness had been taken, the confining the examination of the physicians to a Committee of twenty-one, and although five days were allowed after laying the minute of the Privy Council on the table, the calling upon him and other Lords in five minutes after the examinations of the physicians before

before the Committee of twenty-one had been read, to vote for a Committee to search for precedents; made him regard the proceedings of Ministers on the subject with an exceedingly jealous eye. His Lordship said, he was very happy to hear the learned Lord from the woolfack mention that an Act of Indemnity was thought necessary, for having put the Great Seal, during a minority; because, that learned Lord would be cautious how he put the great Seal to any measure; as he sincerely hoped that noble and learned Lord would not experience an Act of Indemnity if he did it idly or improperly. His Lordship referred to the reign of Edward the Third, when that King's son, a minor (afterwards called the Black Prince) was declared Regent by his father during his absence, and reasoned much at large upon that and other precedents. His Lordship, after reprobating the motion, on account of the indefinite terms in which it was expressed, asked if it included precedents of what had been done in the absence of the Sovereign?

The *Earl of Hopetoun* made a short speech; but his Lordship spoke in so low a tone, that we could not collect his sentiments.

At length the question was put, and agreed to.

The House rose at eight o'clock.

FRIDAY, DECEMBER 12.

HOUSE OF LORDS.

THERE being a meeting of the Cabinet, it was half past four before the Lord Chancellor came to the House.

As soon as the Lord Chancellor had taken the woolfack, a Committee was appointed to inspect the lists delivered in at the table of twenty-one Lords, to be appointed as a Committee "to examine and report precedents of such proceedings as may have been had, in case of the personal exercise of the Royal Authority being prevented or interrupted by infancy, sickness, infirmity, or otherwise, with a view to provide for the same."

After some time the *Lord President* came into the House, and informed their Lordships, that the Committee had met and inspected the several lists, and had desired him to report the following names as a Committee, viz.

Archb. of Canterbury,
Lord Chancellor,

Lord President,
Lord Privy Seal,

Duke

Duke of Richmond,
 Duke of Portland,
 Earl Derby,
 Earl Coventry,
 Earl Dartmouth,
 Lord Radnor,
 Lord Chatham,
 Earl Bathurst,
 Lord Stormont,

Bishop of London,
 Lord Osborne,
 Lord Sydney,
 Lord Loughborough,
 Lord Walsingham,
 Lord Grantley,
 Lord Hawkesbury,
 Lord Kenyon.

The *Lord President* then moved, "That the said Committee, or any eight or more of them, do meet to-morrow in the Prince's Chamber."

"That no Lord but those of the Committee be present."

Lord Hopetoun moved, "That the Report from the Committee appointed to examine the physicians, who had attended his Majesty, touching the state of his Majesty's health, be printed," which, upon the question being put, was ordered accordingly."

The House then adjourned till Monday next.

HOUSE OF COMMONS.

STATE OF THE NATION.

SOON after four the Speaker took the chair, when *Wellbore Ellis*, Esq. appearing at the bar, with the Report of the Committee appointed "to examine, search for, and report precedents of such proceedings, as may have been had in case of the personal exercise of the Royal Authority being prevented or interrupted, by infancy, sickness, infirmity, or otherwise, with a view to provide for the same," he was ordered to bring up the Report, the title of which being read,

The *Chancellor of the Exchequer* moved, "That the said Report do lie on the table." This having been agreed to,

It was moved that the Report be printed.

The *Chancellor of the Exchequer* said, he apprehended it would be necessary to allow a convenient time for the House to consider the contents of the Report, and examine and weigh their application and force, before they came to any proceeding upon it; that as it was his earnest wish to use every possible dispatch consistent with the due solemnity and acknowledged exigency of the case, he should move, that the House would, on an early day in the

the course of next week, resolve itself into a Committee, "to take into consideration the present State of the Nation," to which Committee he should likewise refer the Report that had been just presented, and that, containing the examination of his Majesty's physicians. He had entertained hopes, that in consequence of the preparation that had been made with a view to expedite the printing, that the copies might be ready for delivery next day, but he had just heard, that it would be impracticable, and that the copies could not be got ready for delivery before Monday. Tuesday therefore, he hoped, would be a day agreeable to the House for the Committee, he had named, to sit; and with a view the better to enable gentlemen to make themselves masters of the contents of the Report, he took that opportunity of informing the House, that all the precedents, contained in the Report, were either taken from the Rolls of Parliament, the Statute Books of the Realm, or their own Journals. A Schedule of the whole, with references, was annexed to the Report, which, at least, he hoped, might be ready for separate delivery so early as the next morning; and such gentlemen as had the books in their possession, might thereby be enabled to refer to them immediately, and proceed to an enquiry into the doctrines contained in that Report, without waiting for the delivery of the printed copy. Hoping that what he had said would prove satisfactory to the House in general, he would take the liberty of moving,

"That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to take into consideration the State of the Nation."

R E G E N C Y.

EXPLANATORY DEBATE.

Mr. Fox said, he did not rise to oppose the motion, nor to argue for a later day. He rose for two purposes, which he felt it incumbent upon him to lose no time in laying before the House, and the more especially as they had reference to what had passed upon the subject that did then engage, and had for some days past engaged their most serious attention. The first purpose was, what he never rose for before, since he had been a member of that House. No member was more indifferent to newspaper paragraphs, reports, and representations, than he was; he never scarcely looked into any of their accounts of what he said in that House, without finding some part of his speech misrepresented, but he had thought it beneath him to take any notice of it himself, trusting, that if he had expressed himself clearly, the candour

dour of that House, and the recollection of those who heard him, would do him justice. What he rose then to complain of, was a very different matter. There had, he said, been representations, or rather *mis*-representations, not in newspapers, not in pamphlets, not in coffee-houses, but there had been misrepresentations of what he had said in that House on Wednesday last, publicly made, before a public and august assembly, by a grave person, in high authority, and of dignified rank (*Lord Camden*). He desired mankind to judge him and his opinions, from the sense of those opinions, and his meaning, as explained at the time. There were, he said, different sorts of misrepresentations; there might be some wilful and intentional misrepresentations, others arising rather from levity, caprice, and wantonness, than mischievous design, and again, another description of misrepresentations arising from the misconception of honest minds, made by persons, who were themselves mistaken, and acted upon that mistake. Under which of these descriptions of misrepresentation he had fallen, he would not take upon him to determine; possibly he might not have expressed his meaning clearly, though he thought he had spoken in a manner so explicit, that no man could misunderstand him; he was sure it arose not from any contempt of his auditors, that he had not rendered himself more intelligible, but merely from the want of power and capacity to convey to their minds, what so forcibly impressed his own. In stating what he had stated on that day, he could not surely be understood as having spoken any thing more than his own individual opinion; much less could he be supposed to have delivered the sentiments or preferred the claim of the exalted person, on whose right he had given his opinion, merely in support of his argument. What had been understood to be his meaning, or what had been misrepresented to have been his expression and sentiment, when speaking as a member of Parliament, ought not to have been treated as it had been; as if public proceedings, of a grave and solemn nature, ought to be grounded on so unsubstantial a foundation. After much introductory remark, of this tendency, Mr. Fox said, the first thing he must clear himself from, was the supposition of having spoken from the authority of any person whatever, much less from the authority of his Royal Highness the Prince of Wales. He had spoken merely of himself, and delivered his opinion as an individual member of Parliament. In that private capacity, and without the Prince of Wales's authority, he had freely delivered his opinion. He would now state that opinion, as he had entertained it then, and still entertained it, and to guard against misconstruction, more than he had yet done. His opinion was, *That from the moment that the two Houses of Parliament declared the King unable to exercise the Royal Sovereignty, from that moment, a right to exercise the Royal Authority, with all its*

functions, attached to the Prince of Wales, for the time such incapacity exists. When this opinion was quoted, a new term had been interpolated, by which he was made to say, that the Prince of Wales had a right to ASSUME the Royal Authority upon the interruption of its personal exercise in consequence of the King's illness and incapacity. He must therefore appeal to the memory of every gentleman who had heard him, and call on them to say, whether the word *assume*, or *assumption*, once occurred in his speech. The idea which he meant to convey was this, That the exercise of the Royal Authority was the *right*, under such circumstances, of the Prince of Wales; but he had spoken of it as a *right* and not the *possession*. Before the Prince could exercise that right, he must appeal to the Court, competent to decide, whether it belonged to him or not, and from the adjudication of that Court receive the possession. With the Lords and Commons of Great Britain rested the adjudication of the *Prince of Wales's right*; and by them was he to be put in possession. But, in considering it, they were not to exercise *discretion*, whether he was, or was not, the proper person to exercise that right; but whether or not he really had it; they were not then in the capacity to legislate, but only to judge functions, which they all knew, to be clearly distinct. The more clearly to understand this, it was necessary to explain the precise meaning of the word *election*; and to contrast it with the term *adjudication*. That House could *legislate* and *provide* such measures as is deemed advisable for the public interest. When they individually gave their votes for such persons, whom they thought most fit to represent them in Parliament, they made their *election* of their representative; but when they sat in a Committee above stairs, to try whether A. or B. was entitled to a seat as representative of such or such a borough, they sat as judges, and their report was an *adjudication* of the right of A. or B. In this situation did the House stand at present; they had not a legislative power for the invigorating principle, which gave life and action to that power which was wanting. As the monarchy was, on every principle of the constitution, hereditary, so, of consequence, was the exercise of the executive power; and the House, in its deliberation, was not at liberty to exercise its *discretion*, or to *choose* a Parliamentary Regent; they were not to consider, whether they were about to make a *prudent election*, but bound to *pronounce a just judgement*. If gentlemen would do him the honour to recollect his manner of treating this subject on the preceding day, they would, he hoped, do him the justice to admit, that the meaning that he had now explained, was precisely that which his words on a former occasion had then been calculated to convey, and that he neither talked of the *usurpation* of the two Houses, nor suggested a single idea to warrant the imputing to him any intention of that sort or any thing like it. Let it be recollected

where he was speaking, and to whom he was addressing himself?—to the House of Commons—one of the constituent parts of the very Court that was to make the adjudication of the Prince's right. Let it be recollected likewise, whether the rest of his argument, both in his speech and his reply, did not go expressly to the nature of the Prince's right, as he had now defined it. He had, in terms the most explicit and unequivocal, asserted it as his opinion, that when that and the other House of Parliament declared his Majesty incapable of exercising the Royal Authority; that was the precise period of time when the Prince's right attached, and when that House ought not to delay in restoring the Royal Authority. Had he not said, that the same principles which made the Crown hereditary, made the executive power, and the government of the country, hereditary likewise? Upon that ground it was, that he had argued as he had done, and that he conceived to be the nature of the Prince of Wales's right. He could not therefore be supposed to mean, that the Prince would be justifiable, when the Houses were sitting, of taking upon himself the powers and authority of *Regent*, until it was adjudged to him by Parliament. If there was no Parliament either sitting or existing, then, indeed, it would have been the duty of the Prince of Wales to have called a convention of the Lords and Commons; to whom the cause of their being so called might have been explained, and by whom his right, and the circumstances on which it originated, might be recognized; and that then being met by him, as exercising the delegated functions of the Regal Power, they would become a legal Parliament. Having thus, as he hoped, clearly explained his meaning, he was free to acknowledge, that more difference of opinion prevailed respecting the *right* of the Prince of Wales to exercise the Royal Authority, under the circumstances so often stated, than he could have expected; but much of that difference of opinion, he found, arose from some *nice, logical, and legal distinctions*, taken between the terms *right* and *claim*; distinctions more equivocal, in his mind, than solid and substantial, and which were rested on arguments, that, he confessed, his understanding was too dull to comprehend. One idea he had learnt was, that it was allowed by some, that the Prince of Wales had an irresistible claim, which the Parliament could not reject or refuse, whenever it was made, without forfeiting their duty to the constitution. To that idea, he, for one, had no objection; because he knew no difference between an irresistible claim, and an inherent right. In another place, the *right* of the Prince of Wales had been gone into deeply, and that by persons every way qualified to discuss it, who all gave their sanction and authority to his opinion. If the Prince of Wales had done him the honour to have asked his advice how to proceed, he should have told him, as Parliament was sitting, that he thought his Royal Highness might have

sent a message to either House, or to both Houses of Parliament, stating his claim, and calling upon them to decide upon it. But as he had said on a former day, his Royal Highness's forbearance was such, that he would send his claim to neither House of Parliament; but would wait patiently, and with due deference, being conscious, that the two Houses ought to *find* that claim, and restore the Royal Authority. Mr. Fox said, he could not help thinking, that the conduct of his Royal Highness deserved the commendation he had bestowed on it, and was entitled to universal applause. Mr. Fox declared, he had entertained sanguine hopes, that in the adjustment of a business of so very delicate and important a nature, men, of every description, would have concurred in one leading and essential circumstance, viz. that let there exist what doubt there might, of the Prince of Wales's *right* to exercise the Royal Authority, under the present circumstances of the country, there could be none of the propriety of investing him with the sole administration of government, and with the unlimited exercise of all the regal functions, powers, and prerogatives. He had not yet abandoned these hopes altogether.

Rescuing himself from the effect of misrepresentation, in a particular, respecting which, he should have been extremely sorry to have been misunderstood, had been one of the purposes for which he had risen to trouble the House that day. The second purpose for which he had risen, was, if possible, to obtain unanimity on a subject of such peculiar magnitude and national importance.

The Right Hon. Gentleman, he observed, had named an early day, for the House to resolve itself into a Committee of the whole House, to take into consideration the *State of the Nation*; he did not mean by an early day, a day too early. He had before declared, that after the authentication of the King's incapacity, the House ought not to lose any time in restoring the Royal Authority: but it was not undesirable that the House should be enabled to know what sort of proposition it was, that the Right Hon. Gentleman meant to come forward with on Tuesday; in order to be able to turn it in their minds, and come prepared to discuss it, with some degree of knowledge of its propriety and expediency. He would submit it fairly to the good sense of the Right Hon. Gentleman (Mr. Pitt) whether, on a business of such magnitude, and where such a peculiar degree of delicacy must necessarily attend the discussion, it would be right to press gentlemen to determine, at once, on a proposition with which they were previously unacquainted? Would it not be preferable, he asked, to communicate some general outlines of the procedure; that where the field of discussion was so wide, and the lines of distinction so minute, that they might know at least where to direct

direct their attention. To reserve the intended proposition, whatever it might be, could answer no one useful purpose. He wished the Right Hon. Gentleman not to regard him as hostile on the present occasion. He knew it was so usual for the House to see the Right Hon. Gentleman and himself acting in an hostile point of view towards each other, that it was difficult to consider them in any other light; but what he now suggested, he suggested on grounds of general convenience, devoid of any party consideration whatever. If the Right Hon. Gentleman did not feel the proposition that he had made, as he did, he could only lament that he did not.

He was inclined to hope, that as to essential points, the difference between the Right Hon. Gentleman and himself was extremely minute; an advantage therefore would result from a communication of the intended proposition; the opinions of weighty men, upon it, might be ascertained; and thence it might be seen, whether arrangements might not be made to reconcile difference on small points, in order that the question, whatever it might be, might not be carried by a division, or majority of the House, but that it might be carried with perfect unanimity. What some conceived a *right* in the Prince of Wales, others might deem at the disposal of the two Houses of Parliament; but that was a difference of opinion, of no material import to the main consideration, of the act they were to do, and which they must proceed to, in some shape or other. When the thing itself was decided, it would remain to determine by what mode to notify it. He conceived, there could be but two regular methods: one by a declaration, the other by an address, or perhaps both conjointly by the two Houses. He knew not whether the Right Hon. Gentleman would be willing to communicate the outline of what he meant to state to the Committee next Tuesday; but he had no difficulty to declare, unreservedly, what his opinion was upon the subject; if the opinion of so insignificant an individual as he was, were worth attending to. His opinion was, *to declare his Royal Highness REGENT, for the purpose of exercising ALL the Regal Powers, in the same manner, and to the same extent, as they might have been exercised by his MAJESTY, had his health been such as to render him capable of continuing to exercise the Royal Authority.* That was his opinion, and the House would see it was a plain, simple, intelligible proposition. If the Right Hon. Gentleman's proposition came near his, something ought to be sacrificed to unanimity, and he should be ready to give up on his part, in proportion as the Right Hon. Gentleman would express the same willingness to accommodate. Though it was abundantly more desirable to carry a question of such infinite magnitude by the universal and unanimous consent of the House, than by a majority, yet if the Right Hon. Gentleman's opinion differed

differed widely from his, so widely, that there was no chance of reconciling the one to the other, he should be reduced to the necessity of dividing, and seeing which gained the majority. He declared he should be willing to sacrifice much for the purpose of making unanimity, because he thought it above all things desirable. In the great point there could be no difference of opinion.

They must all agree, that it was, in the first instance, their business, to set up something for the regal power, and who would they set up but the Prince of Wales, who certainly had the first interest in the welfare of the kingdom, his Majesty alone excepted? He urged the right of the Prince as an abstract point, and as such, the stating it was, in his opinion, a powerful argument. But what signified differences upon abstract points, where the substance was indisputable? The field was a wide one, and his object, then, as it had been in the debate of Wednesday, was to lead the mind to what point Gentlemen ought to look. *De qua re agitur* was the matter he wished to ascertain, and with that view, he had called upon the Right Hon. Gentleman to state the outline of the proposition, he meant to come forward with next Tuesday. Perhaps, as the Right Hon. Gentleman was in full possession of what ought to be done, in *his* (Mr. Fox's) opinion: the Right Hon. Gentleman might feel the less objection and difficulty in stating his own opinion. All he wished was, that the House might know what they were to expect in that particular, and not come altogether unprepared to meet it, when the proposition should be regularly made. In the beginning of his speech, he had endeavoured to explain a matter, respecting which he had been misrepresented in another place. He hoped to have done it satisfactorily; but if any Gentleman entertained a doubt upon any part of what he had said, he should be happy to rise again to answer any question on that subject, and to give the fullest explanation.

The *Chancellor of the Exchequer* said, he did not rise to debate, at large on the topics to which their attention had been called by the Right Hon. Gentleman. They had just received a voluminous Report from the Committee appointed to search for Precedents, in order that the House might have every information before them, to guide their proceedings, under the present arduous and singular situation of the country, that the wisdom of their ancestors, the statutes of the realm, and the records of Parliament could afford; and he had moved to refer that report, together with the examination of his Majesty's physicians, to the Committee of the whole House, who were to take the state of the nation into their consideration next Tuesday. In that Committee the topics touched on by the Right Honourable Gentleman, would necessarily undergo an ample discussion. In
their

their last debate on the subject, there appeared to be a point at issue between the Right Honourable Gentleman and himself, and from all that the Right Hon. Gentleman had then said, it still appeared to be no less at issue than before. The Right Hon. Gentleman had explained, as he thought proper, the meaning of a very essential part of his speech on Wednesday last. The Chancellor of the Exchequer said, that he should be sorry to fix, on any Gentleman, a meaning, which he afterwards declared not to have been his meaning. In whatever way, therefore, he had before understood the Right Hon. Gentleman's words, relative to the Prince's *forbearing to assert his claim*, &c. he was willing to take the matter upon the Right Hon. Gentleman's present explanation, and to meet it upon those grounds, upon which he had then, after maturer deliberation, placed it. The Right Hon. Gentleman now asserted, that the Prince of Wales had a *right* to exercise the Royal Authority, under the present circumstances of the country; but that it was as a right, not in possession, until the Prince could exercise it on, what the Right Honourable Gentleman called, the *adjudication* of Parliament. He on his part denied that the Prince of Wales had any *right* whatever; and upon that point the Right Hon. Gentleman and he were still at issue; an issue, that, in his opinion, must be decided, before they proceeded one step farther, in the great and important considerations to be discussed and determined. One part of the Right Hon. Gentleman's speech, Mr. Pitt said, he must take notice of; as the Right Hon. Gentleman's ideas in that point had not appeared to him to be quite accurate and distinct. He seemed to have intended to renounce all idea of the Prince of Wales's right to *assume* the exercise of the Royal Authority, under the present or similar circumstances, without the previous adjudication of Parliament, or of the two Houses; but if he understood the Right Hon. Gentleman correctly, he had used the words *during the sitting* of Parliament; the plain inference from which expression was, that if Parliament were *not sitting*, the Prince of Wales could *ASSUME* the exercise of the regal authority. The Chancellor of the Exchequer declared, that he thought the Prince of Wales could, *in no one case*, have power to *assume the right*. If there were no Parliament in existence, he granted that the Heir Apparent, acting in concert with other persons, in great situations, might, under such circumstances as the present, have issued writs, and convened the two Houses, for the purpose of providing for the exigency. Such a proceeding would be justified by the necessity of the case, and with a view to the safety of the nation, which superseded all forms: but that it would be a *legal and formal* summons of the Parliament, or that a Parliament could be called together without legal authority, he must absolutely deny. Such a meeting would be a Con-

vention, like to that assembled at the time of the abdication of James the Second, and in other periods of difficulty ; but it could not be a *legal and formal calling together* of a Parliament. With regard to the question of the Prince of Wales's right of *assuming* the power, during the intermission of Parliament, and his right not in possession (as it was called) during the sitting of Parliament ; he need not rest much upon the distinction, denying, as he did, that *any right to assume* the regal authority under any circumstances, independent of the consent and approbation of Parliament, existed in the Prince of Wales. If such a *right* was admitted, there was an end to all parliamentary deliberation. But supposing the right of *assumption* of royalty given up altogether ; and that the Prince must have the right adjudged by Parliament, he denied that they were canvassing a *right* and acting as *judges*, as the Right Honourable Gentleman had declared they were. It was subversive of the principles of the Constitution to admit, that the Prince of Wales might seat himself on the throne, during the life-time of his father ; and the intimation of the existence of such a right, (as he had remarked on a former occasion) presented a question of greater magnitude and importance, even than the present exigency and the provision that it necessarily required ; a question, that involved in it the principles of the constitution, the protection and security of our liberties, and the safety of the state. Whatever therefore might be the order of their proceeding, he hoped there would be an unanimous concurrence of opinion, that it was impossible to let the Question of Right, that had been started, be dismissed, without its being fully discussed and decided ; it was a question that shook the foundation of the constitution, and upon the decision of which all that was dear to us, as Britons, depended. In his opinion, therefore, it was their first duty to decide, whether there were any right in the Prince of Wales to *claim* the exercise of the regal power, under *any* circumstances of the country, independent of the actual demise of the Crown. In the discussion of the powers with which a Regent was to be invested, there might be differences of opinion, whether the *whole* of the Royal Prerogatives should be delegated, on the grounds of expediency ; there might be differences of opinion, whether a *portion* only of the Royal Authority should be delegated, and a part reserved on the grounds of prudence and discretion. These were important topics, which they could not discuss, unless they first knew, whether they were sitting as Judges, or as a House of Parliament, possessing a power of deliberation, and capable of exercising a constitutional discretion. They must first ascertain, whether *that* which should be vested in the hands of the Prince of Wales, was matter of *adjudication* on their part, of *right* in his Royal Highness, or as a *trust* in behalf and in the name of his Majesty ;

and

and therefore he should think it his duty to bring forward the Question of Right as a preliminary question. The minds of the people were unsettled, and their notions deranged; they knew not how far the authority of their representatives was to extend; they knew not, in fact, whether their representatives had any authority at all!—they themselves must be at a loss to know how they were to proceed until it was determined, whether they were to adjudge the sovereignty as a *right*, or to vest it only as a *trust*. This must therefore be the first subject of deliberation when they met in the Committee. If that right was found to exist, there could not be an occasion for any specific resolutions on their part; if not, then they would proceed to deliberate with a reviving consciousness of the propriety of their conduct. He had, he said, mentioned the alternative, but God forbid that the fatal alternative should be decided in favour of the intimated *right* of the Prince of Wales!

Having thus gone through those parts of Mr. Fox's speech, that referred to what had been said of the *right* of the Prince of Wales, the Chancellor of the Exchequer took notice of the call, which Mr. Fox had made upon him, relative to the future propositions, to be brought forward by him in the Committee that had been moved for, to take into consideration the State of the Nation. On the present subject, he for his part, had no wish of concealment, no desire of reserve. He said, if the Question of Right should be decided, as he thought it must be, upon constitutional principles; he should in that case certainly proceed to propose measures for providing for the interruption of the Royal Authority, occasioned by his Majesty's present incapacity to exercise it; and as he was always happy, when he could concur with the requisition of the Right Hon. Gentleman, he would state the outline, without feeling any prejudice to the person who had called for it; but he begged to have it understood, that what he was about to state, was not to be a matter of debate at that moment, nor were any arguments then to be raised upon it. He proceeded to declare,

That however decided he might be, in his opinion, against the whole, or any part of the Regal Power, being vested in the Prince of Wales, as a *matter of right* (in any way in which that right had been explained) he was equally ready to say, that as a *matter of discretion, and on the ground of expediency*, it was, in his opinion, highly desirable, that whatever part of the Regal Power it was necessary should be exercised at all, during this unhappy interval, should be vested in a *single* person, and that person the Prince of Wales. That he also thought it most consistent with true constitutional principles, and most for the public convenience, that his Royal Highness should exercise that portion of authority (whatever it might be) *unfettered by any permanent council*, and with the *free choice* of his political servants. With regard

to the portion of Royal Authority which ought to be given, or that which ought to be withheld, it would be premature, in this stage, to enter into the particular discussion of it; but he had no objection, even now, to declare in general, that whatever authority was necessary, for carrying on the public business, with vigour and dispatch, and for providing, during this interval, for the safety and interests of the country, *ought to be given*; but on the other hand, any authority, not necessary for these purposes, and capable of being, by possibility, employed, in any way which might tend to embarrass the exercise of the King's lawful authority, when he should be enabled to resume it into his own hands, *ought to be withheld*; because, from its being given, more inconvenience might arise to the future interests both of the People and of the Crown, than any which could arise in the mean time from its temporary suspension.

The principles of this explicit declaration of his intention he justified on the ground, that whatever was given to the Regent, or withheld, ought to be given with a view to the moment when his Majesty should be capable of resuming his rightful prerogatives; a circumstance to which it peculiarly became him to look, in the situation in which he stood, honoured with the confidence of a Sovereign to whom he was bound, and strongly attached by the ties of gratitude and duty—but of that he would say no more. The House had now before it voluminous precedents of the conduct of their ancestors on similar occasions, that they may be instructed by their wisdom, and directed by their experience. Whatever judgment might be formed of what he had said, he was conscious of having given a free and an honest opinion, and was satisfied with that consciousness. He conceived it could not be thought necessary for him to go any farther into the subject, as the adjustment of the whole proceeding must rest with the Committee on the State of the Nation, where it would be necessary to come forward with the different propositions separately, and to proceed, step by step, to mark and define, by distinct resolutions, what parts of the Royal Prerogative should be given to the Regent, and what withheld; and, last of all, the mode of signifying the determination of the House to the Prince of Wales. He then added, that in compliance with the request of Mr. Fox, he had then been more explicit than, perhaps, many persons might think discreet; though he was content with the reflection that it was frank and honest. He would not, however, anticipate any part of what would probably be the subject of future debates; and should not be led by any circumstance whatever, to renew that particular subject for the course of that evening.

Mr. Fox said, the Right Hon. Gentleman had, in his opinion, pretty nearly stated every thing that he had desired, and indeed full

as much as he either did, or had any right to expect from him, and that with extreme candour. The Right Hon. Gentleman had made a distinction between the *right* of the Prince of Wales, while Parliament was *sitting*; and his *right* while Parliament was *not sitting*; and had asked what would have been the Prince's conduct under the latter circumstance? In that case, Mr. Fox said, he supposed the Prince would have done what the Right Hon. Gentleman had stated, might have been ~~done~~; he would have convened the two Houses of Parliament, and referred to that convention, the consideration of the state of the nation, and expected, when they declared the incapacity of the King, that they would have also declared his right to the Regency. Some words, he observed, had slipped into the Right Hon. Gentleman's speech, which seemed to insinuate, that he had put the Regency in a point of view, very different from that in which he had placed it. The Right Hon. Gentleman had said, that House was to decide, whether it was a *right* or a *trust*. When he (Mr. Fox) had stated that the Prince of Wales had a right to exercise the royal authority, he must undoubtedly have meant, to exercise, it as a trust from the people, which Parliament might resume, alter, and modify, just as Parliament thought proper. If that trust were abused essentially, the people of England might resume it without the Parliament, as had been done in the case of the Revolution. In all cases of necessity, forms, which were meant only for the protection of their liberties, must give way to what they were intended, not to oppose, but to guard. The Regency was a trust, on behalf of the people, for which the Prince was responsible, in like manner as his Majesty, and every monarch, that ever sat upon the throne, were responsible, for the due execution of their high office; sovereignty was a trust depending on the natural liberties of mankind. But his notions, on Revolution doctrines, had been so often stated, and were, he conceived, so well known in that House, that he scarcely supposed, it would be imputed to him, that he meant to deny that the Regency was a *trust*; so far from it, he had upon that ground urged the Prince's right to be *hereditary*, conceiving an hereditary succession the best security to the people, for the due discharge and faithful execution of the important trust, vested by them in their Governors. Mr. Fox took notice of the abstract question of right, which the Right Hon. Gentleman had declared he would bring forward in the Committee on the state of the nation, and said, till he saw the words of the proposition, it was impossible for him to speak to it. It might be a proposition which the Committee might affirm; it might be a proposition which the Committee might deny; or it might be a proposition which the Committee might neither affirm nor deny, but wave the consideration of.

With regard to the steps which the Right Hon. Gentleman, had said, he would take in the Committee; there might be objections offered

offered to his intended mode of proceeding, and he would state what those objections were, without arguing upon any of them. The Right Hon. Gentleman had said, to whom the powers of the royal authority should be entrusted; and after resolving that, he had declared that only a portion of those powers should be given. A question might arise between those two steps, viz. a debate whether there should be a *portion* or the *whole* of the royal authority vested in the Regent. Mr. Fox considered this in the two different points of view, as a question of right, and as a question of expediency. He doubted whether the plan of proceeding, step by step, could legally be pursued; and whether, allowing, for the moment, that the Prince of Wales had *no right*, the two Houses of Parliament could propose an Act of Legislation. He doubted also, whether they must not necessarily, in the first instance, set up something for a King, to give his consent to the proposed defalcation of royal authority, whatever it might be. Restoring the royal authority, seemed to him to be clearly the first step that must be taken, and that the two Houses could not bargain with the Regent before hand for the diminution of the regal power. He professed, he saw no sort of necessity for coming to a division on an abstract proposition, when they had measures of so much solidity and substance to take; where the portion of power that must be given, would be so much, and that which must be withheld so little, the stating an abstract proposition was, in his mind useless; he thought it, therefore, much better to wave it, and for both Houses to convince men by their acts, and not by abstract resolutions. The Right Hon. Gentleman's intentions, he observed, were plain and manifest; and he had, on his part, expressly stated his opinion on the subject, viz. to invest his Royal Highness with the *whole* not a *portion* of the royal powers; both sides of the House were, therefore, sufficiently understood, and the question consequently would be, whether it was expedient to make the Prince of Wales a Regent, or a parliamentary Regent, and thus give a situation, and create a power, hitherto unknown to our constitution, by placing a person in the situation of a King without regal powers.

Mr. Sheridan said, he did not rise to debate the mode of proceeding stated by the Right Hon. Gentleman; his Right Hon. Friend had fully spoken his mind upon the subject; he rose merely to prevent any conclusion being drawn from their silence, that they concurred in the propriety or expediency of putting the abstract proposition on the *right* of the Prince of Wales. His Right Hon. Friend, with that noble frankness, which distinguished his political conduct, and made a part of his nature, had freely stated his opinion on that subject. He argued against the discussion of any such proposition; maintaining, that it was neither likely to tend to the promotion of the good, or the peace of the public. It could

could not conciliate, it might create dissensions and animosities, and therefore, he contended, it would be extremely unwise, as it was obviously unnecessary, to agitate it, or press the House to come to any vote upon it. He reminded the Right Honourable Gentleman of the danger of provoking that claim to be asserted, [a loud cry of *Hear! Hear!*] which, he observed, had not yet been preferred. [Another cry of *Hear! Hear!*] He repeated his words, and asked, would the Right Hon. Gentleman chuse to have his own proposition put upon the journals, viz. That the Prince of Wales had *no more right* to exercise the royal authority, during the incapacity of the King, *than any other individual subject*? If he would not, why would he press an abstract proposition, that must throw the nation into anarchy and confusion? Mr. Sheridan said, he was so thoroughly convinced, that the discussion of the question was evidently unnecessary, and, in its consequences, mischievous, that he was sure no man, who was not actuated by a spirit of dissention, or from the paltry pride which sought, at every expence, the triumph of its own opinions, could propose it.

The *Chancellor of the Exchequer* and Lord *Frederick Campbell* rose together, but the former obtained the hearing. After apologizing to his Lordship, for taking the liberty of obliging him to defer the communication of what he meant to have said. Mr. Pitt declared, he rose to remark the manner in which the Hon. Gentleman had chosen to treat what had fallen from him, in compliance with the request of the Right Hon. Gentleman opposite to him. The Hon. Gentleman had chosen rather indiscreetly, and with a degree of warmth, altogether uncalled for, to enter into a discussion of the propriety of bringing forward a proposition, not then before the House, but which would come under discussion, in a regular way, on a future day. He had now, however, an additional reason, for asserting the authority of the House, and defining the boundaries of *right*; when the deliberative faculties of Parliament were invaded, and an indecent menace thrown out to awe and influence their proceedings. It was evident, he said, that there were but two opinions, on the question, that had been hitherto agitated, touching the present exigency, in consequence of his Majesty's incapacity to exercise the royal authority; the one, that they were to deliberate on one of the most interesting points that ever came before a House of Parliament; the other, that they were to proceed to an adjudication of one of the most important rights that ever was claimed. In the discussion of these opinions, the House, he trusted, would do their duty, in spite of any threat that might be thrown out; men who felt their native freedom, would not submit to a threat, however high the authority from which it might come.

Mr.

Mr. Sheridan explained, and denied that he had used any threat; that he only said, at least he only intended to say, the House should be cautious, not to provoke the appearance of a claim yet undemanded. The explanation, he said, was the more necessary, least, coming through him, the observation might be thought to have proceeded from the highest quarter. He said, he had only spoken of the danger that might arise, if the Prince should be provoked to prefer a claim, which he certainly had not yet preferred, and the discussion of which he must continue to think as mischievous in its tendency, as it was undoubtedly unnecessary; he must therefore repeat, that whoever pressed forward such a discussion, was actuated by a mischievous intention.

The *Chancellor of the Exchequer* said he was glad to hear an explanation. Had the Hon. Gentleman been equally guarded before, he should not have thought it necessary to have taken notice of what he could not conceive but to be a threat. The Hon. Gentleman might, however, quiet those apprehensions which produced any explanation. He would not vilify or degrade the august personage alluded to, by supposing him capable of conveying any such hint, nor could an intimation like that, have the effect of implicating any one but the Hon. Gentleman himself.

Mr. Sheridan made his advantage of this retort, and ridiculed, very pleasantly, the pompous indignation, with which, he said, the Minister seemed to be fired, by a formidable *menace*, fulminated against the House of Commons, by so insignificant an individual as himself.

Lord Frederick Campbell said, he had a wish to know, whether that House had really a right to debate. A Right Hon. Gentleman had hinted something to the contrary, and said, that they came merely to recognize the right of the Prince. He said, the Right Hon. Gentleman had thrown out imputations, which hurt his feelings exceedingly. He did not understand that any member had a right to impute bad intentions to another. With regard to the question of right, the question must necessarily be discussed before any other. He had the other day heard it doubted, whether they were a Parliament or a Convention? It had even been asked, whether the Speaker had a right to issue writs, and other offensive expressions had been used *which he did not recollect*. He wanted to know whether he had a right to debate, and there was no other way of putting it out of doubt, whether they were a Parliament or not, but by coming to a decision of the question of right? His Lordship wished not, that bad motives should be imputed to any man; his own motives, he declared, were pure and honourable.

Mr. Fox said, that he scarcely knew how to answer a noble Lord, who had expressed his *disgust* at something which he could not

not recollect.—He did not wish to find fault with the motives of any person. He had long known the noble Lord; he had, when in power, the good fortune to have his Lordship coincide in his opinions, but had constantly the misfortune, when out of office, that they could agree on no one topic. His Lordship was once violent against a dissolution of Parliament, but his zeal, somehow, evaporated in his passion, and in a very short time after he found his Lordship quite of a different opinion! and he was with the new Minister when the new Parliament assembled. A proof, that warm and zealous as the part the noble Lord had taken against the dissolution had been, the noble Lord's opinion had changed much sooner than his own had done.

With regard to the doubt, whether the Speaker could issue his writ, the Speaker would recollect it originated with himself, and not with him.

Lord Frederick Campbell replied. He said, that he did not mean the *Right Hon. Gentleman*, but the *Hon. Gentleman* (Mr. Sheridan) who spoke last. He would not he said be laughed out of his privilege, as a member of that House. He loved the Constitution, and he loved the Prince of Wales, and should be ready to serve him—"whenever he got into a proper share of power."

Mr. Sheridan discovered some whimsicality in his Lordship's faculties. He congratulated his Lordship on his disentanglement. He had first blamed his Right Hon. Friend for opinions thrown out, it seems, on a former day, that his Lordship did not bear! He now cast the blame on him (Mr. Sheridan) who did not then speak! (*A loud laugh through the House*).

Lord Frederick Campbell, after declaring the propriety of submitting to the Regent when he should be appointed, and vindicating loudly his freedom of speech, which he declared no laughter should suppress, concluded the debate.

The question was then put and agreed to.

It was then moved, and agreed to,

"That the Report from the Committee appointed to examine his Majesty's physicians. Also,

"The Report of the Members of his Majesty's most honourable Privy Council. And also,

"The Report from the Committee appointed to search for precedents, be referred to the said Committee."

The House rose immediately, having adjourned to Tuesday next.

MONDAY,

MONDAY, DECEMBER 15.

HOUSE OF LORDS.

THIS day as soon as prayers were over, the Lord Chancellor adjourned the House during pleasure, in order to give an opportunity to some Lords who were expected to come down. Soon after four o'clock, his Lordship again took the woolfack, when

Earl Fitzwilliam rose, and began with apologizing for the irregularity of bringing on a conversation, without intending to make a motion, or to state any question, that would render such conversation agreeable to form and order; but irregular as he confessed it was, he trusted their Lordships would overlook it, on account of the momentous subject to which it referred, and the great delicacy that, every one of their Lordships must confess, ought to accompany all their proceedings, upon the present unfortunate and calamitous situation of affairs. Having thus besought the indulgence of the House, the Earl proceeded to explain the nature of the object which had induced him, thus irregularly, to address their Lordships. In consequence of discussions held else-where, a question upon the rights of a most exalted Personage, was about to be agitated, a question which he was thoroughly persuaded could not be brought under discussion, without producing effects that every well meaning and considerate individual must wish to avoid. The public already had, in some measure, caught the alarm, and much uneasiness had been manifested upon the subject; he rose, therefore, to deprecate the discussion of any such question in that House, since he was persuaded it would be infinitely more satisfactory to most of their Lordships, that the question might not be agitated, and he then rather deprecated the discussion, as it could not be in the smallest degree necessary that it should take place. It would, he said, be a very great satisfaction to his mind, and to the minds of many who heard him, if any one of his Majesty's Ministers would rise, and assure the House that it was not their intention to bring any such question under agitation before their Lordships, as that to which he had alluded; and in the hopes that he should be favoured with such an explanation, he would, for the present, sit down, and he trusted perfect unanimity would prevail in the endeavour to relieve us from our present difficulties.

The *Lord President* came forward and said, the moment in which he was speaking, and indeed every moment at present, was a moment of great delicacy, difficulty, and embarrassment: it behoved his Majesty's Ministers therefore, to conduct themselves with the most guarded and wary caution, and to take care that

by

by any premature disclosure of what steps they meant to take in the present critical situation of affairs, they did not commit themselves imprudently ; but the candid manner which the noble Earl had explained what he had stated, demanded every polite and civil return in his power to make. At present, as the House well knew, a Committee of their own had been employed in searching for all the precedents their records would afford, to guide their Lordships in such proceedings, as they should think it became them to take, upon the important subject, that had, ever since they met, engrossed their attention. That Committee had not yet been able to make their report, previous to the receipt of which, it was utterly impossible to proceed a single step. When the report should come, it would be necessary to move, to have it printed for the use of their Lordships, and then, time must be allowed for their Lordships to make themselves masters of the various precedents it contained, previous to their grounding any proceeding upon it. Were he to say no more, the Lord President declared, he should conceive he had given the noble Earl as satisfactory an answer as the noble Earl had a right to expect ; but he thought he might venture to go one step further, and say, that it was not the wish of Ministers to agitate more questions than were absolutely necessary. The rights of the two Houses of Parliament had been questioned, and two noble Lords, an illustrious and learned Baron, not then present, and a noble Viscount had argued very much at large, and with great authority, against the existence of those rights ; it became therefore absolutely necessary, that rights, so essential and important, should not be left unsettled and undecided, before they proceeded to the other necessary steps in the providing a Regency. But as the noble Earl had put a question, would the noble Earl, in turn, give him leave to put a question to him ; would the noble Earl, and the other noble Lords who acted in concert with him, declare, that all question of the Rights of Parliament was abandoned by them, and admitted to exist in full force ?

Lord Carlisle said, he had not conceived that any of the noble Lords, alluded to, had questioned the rights of Parliament ; because, if their arguments had borne that tendency, he should have imagined they would have objected to the appointment of a Committee, to search for precedents, as altogether unnecessary, and that the House would have found itself in a very different stage of the business from that in which it stood at present. His Lordship lamented the idea of bringing that into discussion, the decision of which could not be of any material consequence, as all men's minds seemed to point to one end—unanimity was, certainly never more to be wished for, than in the present instance ; therefore, if any attempt should be made to create a difference of opinion, it ought to be reprobated, and he trusted it would never

be countenanced in that House. He could not see that his noble Friend's question was at all improper, or premature, for if an end could be put to the business, and the executive power of the country restored to its pristine vigour, why should any kind of delay prevent it? Precedents were not wanting in cases in which all were agreed, therefore, to wait for the report of the Committee, was as useless as introducing foreign questions might be dangerous.

Earl Fitzwilliam replied to the Lord President, but all that could be gathered distinctly was, that, after having risen to deprecate the discussion of the question respecting the rights of another person, it could not be expected that he should turn short round, and admit the rights of others in opposition to those rights.

Lord Camden, in reply, still adhered to his position, that, according to usage and parliamentary forms, no further steps could possibly be taken previous to the report of the Committee.

HIS ROYAL HIGHNESS THE DUKE OF YORK next rose. He commenced his speech with saying, that perfectly unaccustomed as he was to speak before a public assembly, he should not now have attempted to deliver his sentiments before their Lordships, but that he felt the high importance and extreme delicacy of the occasion, he could not remain silent on a topic so deeply interesting to the nation, and during the discussion of a subject, in which persons so dear to him were immediately concerned.—He begged leave to declare his entire concurrence in the opinion of the noble Earl (*Fitzwilliam*) and other noble Lords who had spoken on the same side of the question, expressive of their anxious wishes to avoid any discussion of so fruitless and unnecessary a question as the abstract right of the *Prince of Wales to the Regency*—In point of fact, no claim to such a right had been asserted by the Prince, had ever been hinted at by him; and he felt a full and most assured confidence, that his Royal Highness understood too well the nature of, and too religiously revered those sacred principles which seated the House of Brunswick on the throne of Great Britain, ever to assume or exercise any power, *be his claim what it might*, that was not derived from THE AUTHORITY OF THEIR LORDSHIPS, and from the WILL of the PEOPLE, conveyed through their representatives, in PARLIAMENT ASSEMBLED.

On this ground (added *his Royal Highness*) let me be permitted to indulge the pleasing hope, that the wisdom and moderation of all considerate men, at a moment when temper and unanimity are so peculiarly demanded from every well-wisher to his country, on account of the dreadful calamity which every description of persons must, in common, lament, but which I, above all others, must feel in a particular degree, will incline them to avoid pressing a direct decision on such a question, as that to which I have alluded.

alluded.—It was evidently not necessary to the attainment of the great act now to be done by their Lordships and the representatives of the people, and could have no other effect, but that of adding, by the painful discussions that would attend it, to the calamities of a family, already sufficiently agitated and afflicted by the dreadful calamity under which they laboured.

His Royal Highness concluded with saying, that what he had advanced on the present occasion were the genuine dictates of an honest heart, equally actuated by the most devoted affection and duty to his Royal Father, and attachment to the unalienable and constitutional rights of his subjects; and he could affirm, with great truth, THAT IF HIS ROYAL BROTHER WERE TO ADDRESS THEIR LORDSHIPS IN THAT HOUSE FROM HIS SEAT IN PARLIAMENT, AS A PEER OF THE REALM, SUCH WOULD BE THE OPINION THAT HE WOULD DELIVER TO THEM, FOR SUCH HE KNEW TO BE THE SETTLED SENTIMENTS OF HIS MIND.

Their Lordships paid the most respectful attention to his Royal Highness throughout the whole of his speech. His manner was at once modest, yet unembarrassed; graceful, but animated; and he appeared universally to excite the most lively interest in the bosom of his audience.

The Lord Chancellor declared, that if it had been possible for him to have had a stronger wish for unanimity, and regret for so much having been said upon a subject which had never been before the House, and consequently ought to have been avoided, it would have been effected by what had fallen from the illustrious personage. The sentiments they had just heard, were certainly such as ought to afford much satisfaction to their Lordships, and to the nation in general; to know that the mode they should adopt on the present melancholy occasion, would give the utmost pleasure and satisfaction to the exalted personage, who must, necessarily, feel the greatest interest in their deliberations and decisions. The same motives which had occasioned him to rise on a former day, were now his inducements, namely, to prevent the discussion of that question, which seems so much apprehended; at least, to prevent its being then prematurely brought forward. Under a solicitude of not having it discussed, it was, some how or other, constantly on the brink of investigation, and could not possibly, at present, answer any other purpose than heating the minds of individuals, and, perhaps, exciting animosities in the breast of the people at large. He declared, that no man could be more determined than he was, to avoid having any questions brought forward that were unnecessary, and that he was ready to bind himself by any words, or phrases, however strong, not to vote for any question, that took any other direction than the strait path of the public good. His Lordship spoke

of Questions of Right as generally invidious, and often unnecessary; and declared, that on the present critical subject, no question ought to be brought into agitation, that the nature of the subject did not actually and absolutely demand to be discussed. He reminded their Lordships of the steps they had hitherto taken in the important business before them, and of the stage at which they had arrived, observing, that they had followed the same line with the House of Commons, but it had so happened, that the House of Commons were in a more advanced stage of the business. At present their Lordships' Committee were employed in searching for Precedents, and had not yet been able to make their Report. Upon that Report their future Resolutions must be founded, and therefore until it was brought up, nothing could be done. When that Report should come before them, they would be enabled to see what step ought farther to be taken, with a view to do that, which they must all wish to see done, viz. to restore vigour and efficacy to the executive government of the country, and he should suppose, above all things, to take care faithfully to discharge the duty of subjects, and preserve the rights of the King entire, so that, when God should permit his Majesty to recover from his present melancholy malady, he might not find himself in a worse situation than he was in before his infirmity, or disabled from the full exercise of all his rightful prerogatives. His Lordship took notice of the eloquent and energetic manner in which a noble Viscount had, in their last debate, expressed his feelings on the present melancholy situation of his Majesty, feelings rendered more poignant, from the noble Viscount's having been in habits of personally receiving various marks of indulgence and kindness from the suffering Sovereign. His own sorrow, his Lordship declared, was aggravated from the same circumstance, his debt of gratitude also to his Majesty was ample, for the many favours his Majesty had graciously conferred on him, which, when he forgot, *might GOD forget him!* His Lordship took notice, that in the last conversation that had taken place, in that House, upon the subject, two opinions, different from each other, had been propounded; as these opinions ran in opposite lines, and could not be brought to one and the same point by themselves, some path between the two, he conceived, must be chalked out; what that path was, remained for their Lordships to find, and possibly they would be assisted by some communication from the other House. As far as related to his own opinion, it was not perhaps strictly advisable to declare it, in its full extent, without the most serious deliberation, as the public were naturally anxious upon the subject, and much advantage might be taken by misrepresentations. His Lordship again declared, it was nevertheless his opinion, as much as it was that of the noble Earl who had begun the conversation

versation that day, that no question, that was not absolutely necessary, ought to be agitated; and that, if it could be done, the proceeding with perfect unanimity was most desirable. He repeated his regret, that, in these debates, the subject should constantly take such an unlucky turn; but he could not see how any answer could be given to the noble Earl's question, because it might be construed into an attempt to anticipate what would be the result of their Lordships' wisdom and deliberations, which would be an unwarrantable liberty—it might be supposed to have some influence upon the decision of the other House of Parliament, a circumstance, that he was certain the noble Earl could not wish, nor be suspected of having in view—the consideration was now before the House—two opposite opinions had been given, the subject therefore must be debated—must be investigated.

Earl Fitzwilliam rose again and said, he considered himself as having as much personal respect, and as much loyalty to his Sovereign, as those on whom honours had been lavished; but he reprobated the idea, that *private affection* ought to govern their Lordships in an important proceeding, on which the *public welfare* so essentially depended. His Lordship said, he was persuaded the Brunswick family would consider it as an ill compliment to them, to ground a proceeding of that magnitude, on the basis of private and personal affection to the King.

The *Lord Chancellor* said, the noble Earl had given an unfair interpretation of what he had said. He had never meant to allude to the favours and confidence of his Sovereign, as the ground of his public conduct, but as animating his duty and loyalty with impressions of gratitude, which he never could forget. Their Lordships had heard him expressly declare it to be *their duty as subjects* to preserve the rights of the King entire. Not that he would have any noble Lord or any man living imagine, that there was a shade of difference between the public allegiance and loyalty, due to the Prince, and the private affection and love his subjects bore him. His Majesty, in a reign of twenty-seven years, had proved his sacred regard to the principles that seated his ancestors on the British throne, and his anxious desire, on every occasion to maintain and uphold in all its purity that Constitution, that made his subjects a free and happy people; there was no difference therefore whatever, between the public duty and private affection due to such a Prince.

Lord Stormont said, he agreed in many points with the noble and learned Lord who had left the woolpack, he would therefore only detain their Lordships with stating in what he differed from that noble and learned Lord. The noble and learned Lord had stated, that two opinions had been propounded in the last debate that ran in parallel lines, and could not be reconciled and

brought to one and the same point. So far from this being the state of the case, he thought nothing could be more easy than to reconcile the one to the other; because it seemed to be admitted on all sides of the House, that the Prince of Wales ought, and must be appointed to the sole Regency. The difference therefore only was, whether he should have it as a matter of right or favour. This certainly was of too little consequence to prevent a coincidence taking place, for as he had before stated it as his opinion, (and that opinion was still the same) the only way to proceed with propriety, was, for both Houses of Parliament to present an address to his Royal Highness, and require him to assume regal power, during his Majesty's incapacity, that the legislature might be complete; for at present, he affirmed, that the two Houses of Parliament had no power whatever. It had been stated, that he and those whom he had the honour to agree with in opinion, had laid it down as a maxim, that during the incapacity of the Sovereign, the Heir Apparent had an *unlimited* right to *assume* of himself the reins of government, without any interference of Parliament; this he denied to be the fact. Every one of their Lordships, who were in the House at the last debate, must remember, that both he and the learned Lord (whose absence he had now to regret, especially as it was occasioned by family misfortunes) had uniformly insisted it must be with the advice and approbation of Parliament—those who held a different language; those who insisted that the Prince of Wales had no more right to the Regency than any other individual, must also maintain, that in cases of incapacity of the Sovereign, the Regency became elective; of course they might have many candidates, might choose whom they thought proper, and doubtless having the power to choose, they had also the power to reject. In that case, the third branch of the legislature not being free and independent, it was entirely subject and dependent on the other two. He perfectly agreed with the noble and learned Lord, that it was highly to be regretted, that these opinions had ever been brought forward and agitated in that House; it certainly deserved blame, and blame doubtless ought to rest on him who introduced it; the agitating the subject that day discussed, and which gave occasion for the two opposite opinions to be stated and insisted upon, was not imputable to him or to any one noble Lord, who had spoken on his side of the question. Their Lordships must all remember, that the subject had been introduced by the Lord President of his Majesty's Council, in a most extraordinary, and he would say, *disorderly* and *unparliamentary* manner.

The word "unparliamentary" being spoken with some energy, Lord Stormont was called to order, and the House was for some seconds thrown into confusion, by different Lords rising at the same time to speak.

The *Duke of Richmond* said, he spoke to order, no question was before the House, he would therefore move, "that the House do adjourn."

Lord Stormont said, Lord Sydney had called him to order, and Lord Rawdon and several Lords near him, having repeated the words "Lord Sydney to order."

Lord Sydney rose with some warmth, and said, he was commanded by five or six Lords on the opposite bench, to speak. He lamented, that the House had already betrayed a temper that, in his mind, ill became the solemnity and importance of the subject that they were discussing. Such behaviour was not decent there. He knew not what offence he had given, that he should receive a reprimand, but if any noble Lord had taken offence at him, he would have them know, from the noble Baron near him (*Lord Rawdon*) to the noble Viscount on the other side, that there were other ways of settling differences between one Gentleman and another. His Lordship soon recovered his calmness, and said, he thanked God warm as he was by nature, his warmth seldom lasted long. He had heard expressions which he thought disorderly, and he of course as well as several other noble Lords, had called to order—this was nothing uncommon; he was not to be intimidated. Why he should be thus singled out and called upon to come forward, he was unable to say. It was surely disorderly to allude to any thing done in another place, and in his mind no less so to allude to a noble Peer, in the manner and terms which the noble Viscount had done to the noble and learned President of the Council.

Lord Rawdon avowed himself to be one who had called upon the noble Secretary of State to speak to order; he did it because he had ever understood, that whenever a noble Peer was called to order, it was a charge that he had done or said something improperly, and he wished to know what it was his Lordship could lay to the charge of the noble Viscount, having himself heard the learned President of the Council introduce the subject, in his opinion, in a very unparliamentary manner. The noble Secretary of State had stated, he was not to be intimidated; he knew not whether his Lordship meant to allude to him, but he would assure that noble Lord if he did, that he was not to be brow-beat. When he first heard the learned President of the Council introduce this subject in the manner he did, he trembled for the consequences; it was a matter, in his opinion, fraught with danger, and should any mischiefs arise, those who had been the occasion ought to be considered as answerable; it appeared to him as the very means of preventing the subject being considered with that coolness and temper the necessity of it required—instead of being confined to their Lordships, it was now become a common topic of conversation; nay, bills were posted up at the

corner of almost every street, with partial quotations from the speeches of two persons in another place, inviting as it were the public at large to take part in the investigation. Did the authors foresee what evils might accrue from such dangerous measures?—Such conduct having been pursued, it became the more incumbent on their Lordships to act with caution, and he hoped in God, that the utmost care would be taken on their part, that no inadvertency of theirs might give occasion to the much to be apprehended ferment—whenever the populace took a matter in hand, it was a difficult task to wrest it from them.—He lamented the indisposition of his sovereign, and he heartily wished his restoration to health, but, till that blessing should arrive, it was a duty they owed to the country, to preserve harmony, and exercise every talent for her advantage.

He had heard from the noble Lord on the woolsack, (with great pleasure) that nothing unnecessary to the important business of settling the affairs of the nation, was to enter into their Lordships' deliberations. That question was, in his opinion, not only unnecessary but dangerous; and, if it should be brought forward, the blame would rest with those, not by whom it had been first mentioned, but with those who, without necessity, and aware of the danger that must attend it, insisted on bringing it into discussion.

The *Lord President* said, he could not sit silent, and hear himself charged with having been guilty either of a crime, or, at best, a very high and censurable act of indiscretion. A noble Viscount had said, in a way not quite conformable to his usual manner of expressing himself in that House, that he, in a manner, equally extraordinary, disorderly, and unparliamentary, had introduced the topic on which they had discoursed last Thursday. He was ready to confess that he did take notice of what passed in *another place*, in the course of his opening speech; but he denied that, from the general words he had used, any noble Lord was warranted to fix on him a charge of having spoken in a disorderly or an “*unparliamentary*” manner. Not that he meant to deny, that by *the other place*, he did mean the House of Commons. He certainly did, and if the question were put to him, whether any allusion in that House to what had passed in the other, was disorderly and irregular, he should admit that it was. But such allusions, they all knew, though in strictness irregular, were made every day and overlooked, or, if noticed, done so by stating, that they were disorderly, in so good humoured a tone, that no party felt uneasy. The noble Viscount had that day used the word *unparliamentary*, with so angry and vehement a tone, that it seemed, as if they were determined to proceed with a degree of passion and animosity, that were exceedingly to be lamented. He must, however, in justice to himself, deny that he was that wicked and

bad man, who had broached the doctrine of the Rights of the Prince, in contradistinction to the Rights of the two Houses of Parliament. He did not first broach the doctrine, and, therefore, he did not hold himself answerable for the consequences. Having been broached, it must be noticed, because they were engaged in a proceeding, that would materially affect the liberties of posterity, and, therefore, nothing dark or doubtful ought to be suffered to remain untouched and undecided in the adjutment of so momentous a concern.

Two different opinions on an important question had been stated, and had gone forth to the public in newspapers and handbills, before they were mentioned by him; and whatever impropriety there might have been, in distracting and inflaming mens minds by such a question, he apprehended no danger from the discussion, and should not be afraid to meet it.

Lord Stormont said, he was glad he had been interrupted, as he had heard so able an argument from the noble Lord near him (Lord Rawdon;) at the same time it gave him concern, that another noble Lord should have taken offence at what he meant as a mark of personal respect. He had not had the honour of sitting in the other House of Parliament, but he had ever understood the being called to order, implied a parliamentary charge, and that the rule was for the person called to order to sit down, and the other member to state his charge of breach of order. With this view, when the noble Secretary of State had called him to order, he had sat down and said, "Lord Sydney to order." and had also interrupted a noble Duke, who, he saw, was not aware that the noble Lord, who called him to order, was upon his legs. By saying, it was not his intention to enter into the discussion of a question, which he thought to be unnecessary, or, to attempt following the arguments which a learned Lord, whose absence he regreted, and the more so, as he believed it proceeded from a family misfortune, (*Lord Loughborough*) had formerly insisted on, with so much energy; much of their perspicuity, and much of their force would be lost, if he did; but he begged leave to state to their Lordships, why he thought the two opinions, propounded in the last debate, might be reconciled. As it was then publicly known, what was the intention of government in regard to the Regency, which he reminded their Lordships, was a circumstance not known to the House, when they had last discussed the subject; his opinion was, that they should proceed forthwith to declare the Prince of Wales sole Regent. At present, with a dismembered legislature, the country stood in a situation, in which it ought to be suffered to remain as short a time as possible. As it was necessary, according to all their opinions, to proceed to practical measures, it ill became them to waste the time in agitating theoretical speculations. Of that nature was the question of

of right, which, in his mind, it was equally idle and fruitless to discuss.

From what he had heard, since he had formerly spoken on the subject, the difference in substance between those who maintained the most opposite opinions, was too minute to be made the object of debate in a case of such peculiar and general importance. It was universally agreed, that the Prince of Wales alone, and unfettered by any permanent council, ought to exercise the functions of government in the name of his father, till he, whose right they were, should be able to resume them; and whether he received that power by parliamentary appointment, by such a right as he conceived him to have, by such a right as others understood him to possess, or by an irresistible claim, words which he should have used before, if they had occurred to him, it could do no good, but might do much harm to debate. He could not express his regard for his Majesty's person, his sense of the goodness he had experienced from him, nor his sorrow, or the affliction that had come upon him in such eloquent terms as a learned Lord had done—*Nequeo monstrare—sentio tantum*; but he would do now, what he thought would be acceptable to his sovereign, were he conscious of what he did; what, he trusted, he would approve, when it shall please him, who visits alike the cottage and the palace, to restore what he had taken away. Were the last scene closed, he would act as if he thought that a departed sovereign felt an interest in the happiness of the people whom he had governed, and could be gratified by looking down on the affairs of a terrestrial kingdom. He had experienced, and therefore knew the feelings of a father for a son. He must wish, that the government of his son, whether as his successor, or his *locum tenens*, should be prosperous, and to be prosperous, it must be *strong*. Let the heir apparent, therefore, be declared sole Regent, in any way that could insure unanimity, and let him not be circumscribed in the exercise of that prerogative which they all knew to be necessary to a vigorous government, and the welfare of the nation. The powers of the prerogative were not a right for the benefit of the governor, but a trust for the interest of the governed: they had been proved to be no more than sufficient for that purpose, by long experience, and to abridge them would be to endanger the interest they meant to protect. Let them imitate the example their ancestors had set them to their own immortal honour, and that of their posterity, in the glorious æra of the Revolution, in every thing but one. Let them not procrastinate and waste time in useless disputes about words and forms, when they were called on to decide on substance and essentials. They had never once thought, on that illustrious occasion, of limiting or reducing the powers of the prerogative, but had transferred them entire and undiminished; as well knowing that they

were

were no greater than the safety of the kingdom, and the security of the government demanded; for, by the Bill of Rights, there was not a single right established, which, by the natural and clear construction of the constitution, was not the right of the subject before that period. Let all theoretical questions be avoided. Let them not imitate those philosophers, who, when Constantinople was besieged, instead of contributing to the defence of the city, employed themselves in metaphysical disquisitions; and when Mahomet the Second scaled the walls, and stormed the city, were found amusing themselves round a table with idle debates about idle subtleties. His Lordship laid much stress on the danger of continuing without a vigorous executive government. With regard to the safety of the State from foreign enemies, he looked to the vigilance of Ministers, the force of the country, and the friendly disposition of the neighbouring powers. His confidence in respect to danger from abroad, was further confirmed, and fortified in his knowledge, that most of the foreign powers were, at this time, under sufficient circumstances of difficulty and embarrassment. But a variety of reasons might be stated to prove the pressure of the moment and the urgency of the case. He particularly pointed out the anxious and unpleasant situation of Lord Caermarthen, as Secretary of State for foreign affairs, who, for several weeks past, had not been able to send a single instruction to any of our Ministers abroad, since, it was well known, all such instructions were sent in the name, and at the command of the King.

The *Lord Chancellor* once more came from the woolstack, to state that Lord Rawdon had misconceived him; he had merely said, he should be averse to the discussion of *unnecessary* questions. In settling what they were all so laudably anxious to settle, there was a line pointed out by the constitution to be pursued, and whatever tended to ascertain that, must not be considered as unnecessary. They were not to be guided merely by temporary convenience, but must necessarily have a view to posterity, and adopt such measures, as might provide a remedy for a similar national calamity, should any such ever occur again. Many minute points would, of course, be brought forward, one by one, and rendered subject to discussion; but it would be in the power of any one Lord to provoke the discussions of points, which it seemed to be the general and anxious desire of most of the noble Lords who had spoken that day, to avoid. It depended, therefore, on the discretion of the noble Lords themselves, that their future deliberations should assume a complexion of unanimity or otherwise. If such topics as the noble Viscount had referred to in the latter part of his speech, were insisted on, they would unavoidably compel the House to go into the discussion of every question that had been stated to be unpleasant, and likely to excite uneasiness, and difference of opinion,

Earl

Earl Stanhope, with great solemnity, expressed his anxious wish, that what the House had that day heard from a noble Duke (the Duke of York) could have been given in any way in writing, so as to have been made, in some way or other, matter of record. It was too important a communication to be suffered to remain in fleeting words, which could not be handed down to posterity for them to grasp, and quote as a proof of the existence of an essential part of the constitution. Could that be done, he was of opinion, that any further discussion might be avoided.

The *Duke of Gloucester* said, he had now come into the House, for the first time since the affliction which the royal family had suffered, and declared that it was only four hours since he had heard, that any thing was to be agitated upon the subject that day. He deprecated, with great energy and feeling, the discussion of a question, so pregnant with delay, and which could only tend to produce the most mischievous consequences. He declared himself a meer individual, not influenced by party, but actuated by a sincere love of his country, and a strong sense of what he knew would be his Majesty's feelings, were he happily to recover from his present lamented indisposition. *His Royal Highness* trusted, that the good sense and loyalty of a majority in each House, would yet prevent the threatened decision on this point. Perseverance in it was mischievous to the last degree, and could not be meant for the public good. For his part, his Royal Highness added, he felt so strongly on the subject, that if the attempt was persisted in, and the question brought before that House, he could only say, that he believed he *should not dare to trust himself* to come forward and speak his sentiments on the extraordinary conduct of those, who were unnecessarily inclined to compel a decision on so delicate a question.

Lord Cathcart rose to state, that the papers pasted against the walls of the public streets, which had been alluded to by a noble Lord, were not the only attempts of the kind to inflame the minds of the multitude, but that other papers, replete with violence and falsehoods, and calculated to state the conduct of Ministers falsely, and make it appear, that one of them had set himself up as a competitor with the Prince of Wales, had first been pasted up and distributed through the cities of London and Westminster. He wished that the question, to which they had related, had never been started, and that it might not now be further discussed.

Lord Cathcart concluded with moving to adjourn.

The *Lord Chancellor* then put the question, and the House adjourned till to-morrow, eleven o'clock.

TUESDAY,

TUESDAY, DECEMBER 16.

HOUSE OF LORDS.

THE House having met at four o'clock, pursuant to the adjournment of yesterday—

The *Earl of Abingdon* rose, and expressed a wish to know, either from the Chancellor, or any noble Lord present, whether it were possible to form a probable conjecture, with respect to the discussion of the *Question of Right*.

The *Lord Chancellor* informed his Lordship, that until the Report of the Committee of Lords should be made, it would be totally impossible to gratify his Lordship.

The *Earl of Abingdon* again rose, and addressed the House as follows :

MY LORDS,

A noble Lord, in the conversation of yesterday, having said, that if the *Question of Right*, respecting the Regency of the Prince of Wales, was brought forward in this House, he would divide the House against it, if he was the single Lord to do so, in order that his conduct might remain upon record ; I rise to give notice to your Lordships, that it is my intention to bring forward the question on any day in the next week, that your Lordships shall think fit to name, and to divide the House upon it, if I am the single Lord to do so ; and for the very same reason that the noble Lord gives, that my conduct might appear upon record for having so done.

My Lords, it is a question that the two Houses of Parliament demand the decision of. It is a question that the King calls for. It is a question that the Lord Chancellor of England, as the keeper of the King's conscience, is bound in duty to have brought forward. It is a question that the nation demands. It is a question due to posterity. It is a question I lament to find, that any part of the House of Brunswick should shrink from.

The *Lord Chancellor* said, it would be irregular to make any motion, until the Report had been received from the Committee.

HOUSE OF COMMONS.

Such was the ardour of curiosity excited by the expectation of the important *Question* to be this day debated, that the members who were eager to witness the discussion, were not to be restrained by

by the rules, which strangers, who wish to gain admission, usually observe. The doors of the gallery gave way to their impetuosity. Not only the seats, but all the passages leading to them, were crowded before ten o'clock.

THE House being resumed,

At half past four, the *Chancellor of the Exchequer* opened the business of the day, by moving that "*the House do resolve itself into a Committee, on the consideration of the State of the Nation,*" be read, which being done accordingly, together with the order for referring the Report of the Committee, appointed to take and report the examination of the King's physicians, and the Report of the Committee appointed to search for, examine and report Precedents, &c. to the said Committee, the *Chancellor of the Exchequer* moved, "that the Speaker do now leave the chair," which having been put and agreed to, *Brook Watson, Esq.* took the chair at the table.

The *Chancellor of the Exchequer* began his speech with declaring, that the House were then in a Committee, to take into consideration the State of the Nation, under circumstances the most calamitous and important, that had ever befallen the country at almost any period. It was then a century ago, since any thing of equal importance had engaged the attention of that House. The circumstance that had then occurred was the Revolution, between which, however, and the present circumstance, there was a great and essential difference. At that time the two Houses had to provide for the filling up of a throne, that was vacant by the abdication of James the Second; at present they had to provide for the exercise of the Royal Authority, when his Majesty's political capacity was whole and entire, and the throne consequently full, although in fact all the functions of the executive government were suspended, but which suspension they had every reason to expect would be but temporary. There could, he said, be but one sentiment upon that head, which was, that the most sanguine of his Majesty's physicians could not effect a cure more speedily, than it was the anxious wish of every man in the House, and every description of his Majesty's subjects. that his cure might be effected, and that he might thence be enabled again to resume the exercise of his own authority. During the temporary continuance, however, of his Majesty's malady, it was their indispensable duty to provide for the deficiency in the Legislature, in order that a due regard might be had to the safety of the crown, and the interests of the people.

The first Report before the Committee established the melancholy fact, that had rendered their deliberations necessary; the second contained a collection of such Precedents, selected from
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the history of former times, as were in any degree analogous to the present unfortunate situation of the country. Although he would not undertake to say, that still more Precedents might not have been found, yet such as the Report contained, would serve to throw a considerable degree of light on the subject, and point out to the House the mode of proceeding most proper to be adopted. Notwithstanding the magnitude of the question, What provision ought to be made for supplying the deficiency? there was a question of a greater and still more important nature, which must be discussed and decided first, as a preliminary to their future transactions, with a view to the present exigency. The question to which he alluded, was, Whether any person had a Right, either to *assume* or to *claim* the exercise of the Royal Authority, during the incapacity and infirmity of the Sovereign; or, whether it was the Right of the Lords and Commons of England to provide for the deficiency in the Legislature, resulting from such incapacity? On a former day he had stated, that in consequence of an assertion having been made in that House, that a Right attached to his Royal Highness the Prince of Wales, as Heir Apparent, to exercise the Sovereign Authority, as soon as the two Houses of Parliament declared his Majesty, from illness and indisposition, incapable of exercising his royal functions; it appeared to him to be absolutely and indispensibly necessary, that the Question of Right ought to be first decided by the Committee, before they took a single step to provide for the deficiency of the third estate of the realm. By the assertion of the existence of such a right, no matter whether a right that could be assumed in the first instance, or as a right which attached after the declaration of both Houses of Parliament, that his Majesty was incapable, a doubt had been thrown upon the existence of what he had ever considered as the most sacred and important rights of the two Houses, and it became absolutely necessary for them to decide that doubt, and by such decision ascertain whether they had a right to deliberate, or whether their proceedings must be exceedingly short, and they should have only to adjudge, that such a right as had been mentioned was legally vested in his Royal Highness the Prince of Wales. He mentioned the difficulty and embarrassment that had been thrown upon their proceedings by the assertion, that such a claim existed; and although he was free to confess, that the assertion had not been made from any authority, and that they had since heard, though not in that House, that it was not intended that the claim should be made; yet, having been once stated, by a very respectable member of that House as his opinion, it was an opinion of too much importance to be passed by; he desired it to be remembered, however, that he had not stirred the Question of Right originally; if therefore any serious danger were actually to be dreaded

dreaded by its being discussed and decided, that danger and its consequences were solely imputable to the first stirrer of the question and not to him. Had the doubt never been raised, an express declaration on the subject had not been necessary; but as the matter stood, such a declaration must be made one way or the other. He begged, however, that it might not be imputed to him, that he was desirous of wasting time in bringing forward any abstract, or speculative, or theoretical question. An abstract question, in his conception of it, was a question wholly unnecessary, the discussion of which could answer no end, nor could its decision afford any light to guide and assist them in their proceedings. Of a very different nature was the Question of Right; it was a question that stood in the way of all subsequent proceeding, the resolving of which must necessarily decide upon the whole of their conduct with regard to the present important business; they were not free to deliberate and determine, while the doubt of an existing right or claim hung over their heads, they could not speak intelligibly, or to any purpose, until they knew their proper characters, and whether they were exercising their own rights for the safety of the Crown, and the interests of the people, or whether they were usurping that which had never belonged to them. On that ground it was, that he had declared the Question of Right not to be an abstract Question, a speculative Question, or a theoretical Question. The first information, the papers that had been referred to the Committee afforded, was that which he should make the first resolution, viz. a resolution of fact, as the ground of those that were designed by him to follow it; a resolution stating, that which the language of all his Majesty's physicians afforded sufficient proof of, that his Majesty was incapable from illness, of coming to his Parliament, or attending to any public business, whence arose the interruption of the exercise of the royal authority. To that resolution of fact, he conceived there could not be any objection. His next resolution would be the resolution of Right, couched in part in the words of the Bill of Rights, and stating, "That it was the right and duty of the Lords Spiritual and Temporal, and of the House of Commons, as the rightful representatives of all the estates of the people of England, to provide for the deficiency in the legislature, by the interruption of the exercise of the royal authority, in consequence of his Majesty's incapacity through indisposition." He renewed his arguments in support of the claim of the two Houses of Parliament, declaring, that under the present circumstances of the country, it was his firm and unalterable opinion, that it was the absolute and undeniable Right of the two Houses, on the part of the people, to provide for the revival of the third estate. He declared he would state the point at issue between him and the Right Hon. Gentleman opposite to him, fairly.

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He wished not to take advantage of any shades of difference between them, but to argue upon the solid and substantial difference of their opinions. If he had conceived the Right Hon. Gentleman properly, he had asserted, "that in his opinion, the Prince of Wales, as Heir Apparent, upon the incapacity of the Sovereign to exercise the Sovereign Authority being declared, had as clear, as perfect, and as indisputable a right to take upon himself the full exercise of all the authorities and prerogatives of his father, as if his Majesty had undergone an actual demise." If it could be proved to exist by any Precedents, drawn from history, or founded in law, or by the analogy of the Constitution, he wished to have been told what those Precedents were, because in that case the ground would be narrowed, and the proceedings of the Committee rendered short and simple, as they would have no power nor occasion to deliberate; the only step they could take would be to recognize the claim of right. That claim of right, however, he flatly denied to have any existence capable of being sustained by such proof as he had mentioned: the right of providing for the deficiency of the Royal Authority, he contended, rested with the two remaining branches of the Legislature. He professed himself exceedingly happy to hear that a declaration had been made in another place from high authority, that the right stated by the Right Hon. Gentleman in that House, to have existence, was not meant to be urged by a great personage. He said, he came that day confirmed in every opinion, that he had before stated, that no such right or claim vested in the Prince of Wales, as Heir Apparent, to exercise the Royal Authority during the incapacity of the Sovereign, could be proved either from Precedents drawn from history, from the law, or from the spirit of the Constitution. He reminded the Committee that when the Right Hon. Gentleman first mentioned the right of the Prince of Wales in this particular, the Right Hon. Gentleman had declared he was willing to wave the Motion for a Committee to search for Precedents, because he was persuaded, and the House must allow, that no Precedent could be found that bore upon the particular case of a Prince of Wales, the Heir Apparent to the Crown, being of full age, and capable of taking on himself the exercise of the Royal Authority, under such circumstances as the present. There certainly was no case precisely in point; but though their Committee above stairs could not find a case precisely in point, they had furnished the House with many Precedents from which analogies might be drawn. He affirmed, that all Precedents of incapacity in the Sovereign, whether from illness, infancy, or absence, were Precedents in principle, and applicable by clear analogy and logical inference; and he called upon the Right Hon. Gentleman opposite to him, to point out a single case of the infancy, infirmity, or illness of a Sovereign, in which

which the full-powers of sovereignty were exercised by any one person whatever. If the right attached to his Royal Highness, under the present circumstances, in the same manner as on the demise of his father, an Heir Presumptive would succeed as perfectly as an Heir Apparent, and agreeably to that doctrine, those Precedents that would attach in the one case, would attach in the other. For Precedents that were analogous, he would refer the Committee to the Report on the Table, the Precedents in which, though they might not throw all the light on the subject that could be wished, tended certainly to elucidate it considerably. He said, he would refer to some of these Precedents, and convince Gentlemen that their result formed clear, undeniable proof, that no such right existed as had been pretended. The first Precedent was taken from the reign of Edward the Third, where no Heir Apparent had claimed the exercise of the Royal Authority. The Parliament of those days, whether wisely or not (was no question before the Committee) provided a Council about the King's person to act for him, a clear proof that they conceived the power existed with them to provide for the exercise of the Royal Authority. The next Precedent was in the reign of Richard the Second, when Counsellors were also appointed to exercise the regal power. The third Precedent occurred in the infancy of Henry the Sixth; at that time the Parliament were called together by the young King's second uncle, the first being still living, but out of the kingdom, and that act was ratified by Parliament, they not considering it sufficient that it was done by the authority of the Duke. In that instance, again it was clear that the Regency was sanctioned by the Parliament. These three instances were the principal of those stated in the Report of their Committee; subsequent Precedents would prove, that no one instance could be found of any persons having exercised the Royal Authority, during the infancy of a King, but by the grant of the two Houses of Parliament, excepting only where a previous provision had been made.

Having thus far mentioned the Power of Parliament during the infancy of a King, he said, he would next state their power during the King's absence, and if in that case it should be asserted, that the Heir Apparent had a right to exercise the Royal Authority, let the Committee consider how that assertion would stand. It had been said, that in the majority of such cases, the power had been given to the Prince of Wales. If such cases could be adduced, they would, he owned, be cases in point; but then to prove what? To prove, that such Heirs Apparent possessed no inherent right. If a right existed to represent the King, it must be a perfect, and an entire right, a right admitting of no modification whatever, because if any thing short of the whole power were given, it would be less than by right could be claimed,

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and consequently an acknowledgment that no such right existed. But could any such cases be pointed out? By a reference to the ancient records, it would be found, that the *Custos Regni*, or *Lieutenant for the King*, had never been invested with the whole Rights of the King himself. The powers given to the *Custodes Regni* had been different, under different circumstances; a plain and manifest inference thence arose, that the *Custodes Regni* did not hold their situation as a right, but by appointment. The powers of bestowing benefices, and doing other acts of sovereignty, had been occasionally given to the *Custodes Regni*, which shewed that their powers had been always subject to some limitation or other. After dwelling upon these proofs, that no Right to represent the Sovereign in his life-time had ever existed, as far as our Records could testify, he observed that in modern times, Lords Justices had been frequently appointed to the exercise of sovereign authority, during the residence of a Prince of age in the country.

He contended, that when the exercise of the Regal Authority by the Monarch was interrupted, it was precisely the same to the claim of either the Heir Apparent or Presumptive, whether the interruption or the incapacity proceeded from minority, absence, or the effect of indisposition, as was the case of his present Majesty: and this appeared to be admitted in the corrected explanation of the right honourable member; for as he contended, that the Right of exercising the Royal Authority attached upon the Prince, when the King's incapacity was declared, that incapacity may equally arise from infancy, absence, or disease. In one situation of incapacity, namely, that of Absence, there was one case precisely in point, when a Prince of Wales was appointed in the Regency, with limited authority. There were many Precedents to be met with, beside those selected by the Committee, whose first case on the Report, was that of Edward III. This, as well as that of Richard II. being *Councils of Regency*, he should not dwell upon as peculiarly applicable. To the reign of Henry VI. however, he should have frequent occasion to refer. That furnished a Precedent exactly in point. A Regency was then formed, in consequence of the incapacity of the King, arising from indisposition. There was also a Prince of Wales, who indeed was not of age; and yet the Precedent was not the more inapplicable. For though the speedy recovery of the Monarch, prevented the execution of the provisions made by the Parliament, yet in framing the Act of Regency, they anticipated the situation in which this country finds itself at the present moment; as if some fatality had ordained, that their conduct and principles should direct the proceedings of the present period. In that Act, the Parliament looked some years forward to the period when the Prince of Wales should be of

age ; and instead of stopping short, in acknowledgment of the Right he should then possess to govern, according to the modern system, in the name, and with all the authority of his Father, the Parliament went on to settle what should be his situation, and the extent of the powers with which he was to be invested. This was an instance, and a most indisputable argument, that no such Right was in the contemplation of that Parliament, as that which had lately been preferred ; for though the Constitution, then, was not so well defined, or, of course, so well understood, as at the present period, yet they never lost sight of the maxim, that Kings, however liable in common with all mortal men, to personal affliction, and to personal incapacity, yet, in their political capacity, are always the same. This, to the person of the King who wears the crown, is certainly confined all the Royal Authority of the Constitution, and in his name, even during the existence of a Regency, must all the public business be transacted. Such must be the principle of every free Government, and such, particularly, is the Constitution of ours.

If no Precedent, contrary to those he had stated to the Committee, could be advanced, he should presume, that it would be evident to the Committee, that no Right existed with an Heir Apparent, or an Heir Presumptive, to assume the functions of royalty on the temporary incapacity of the Sovereign, nor any rights but those delegated by the two remaining branches of the Legislature. In all cases of a Regency, it was proved from Precedent, that the Heir Apparent or the Presumptive Heir, when appointed to that trust, was considerably abridged of the powers belonging to a monarchy, and there was no reason to think, that if they considered themselves to possess an immediate right to all the authority, they would consent to be appointed to part of it. He scrupled not therefore to declare, that no positive law, nor no analogy from any law, could be adduced to support the doctrine of Right. An opinion had been stated by a noble Lord, in another place (*Lord Loughborough*) in contradiction to his assertion, that *The Prince of Wales had no more Right to assume the Regency than any other individual subject*. He said, he understood in arguing that matter, some very extraordinary mode of reasoning had been resorted to. Among other proofs, that the Rights of the Prince of Wales were different from those of other subjects, it had been said, that the Prince of Wales was, in an old record, quoted by Lord Coke, pronounced to be *one and the same with the King*. The fact certainly was so ; but, to draw from such a circumstance, an argument that the Prince had a Right to exercise the Sovereign Authority under the present circumstances of his Majesty's unfortunate incapacity, was an inference so monstrous, that he should think he deserved censure for sporting with the gravity of the House, if he suffered himself

to treat it with any thing like seriousness. In truth, a very different conclusion might be drawn from the whole of that Record, the metaphorical language of which, was not to be taken in a literal sense, in that, or any other point of so much importance.

Another position laid down at the same time, and in the same place was, That the Prince of Wales as Heir Apparent, and being of full age, could assume the exercise of the Sovereign Authority, if his Majesty's infirmity had occurred when Parliament was *not sitting*; but that doctrine had been so expressly contradicted in that House by the Right Honourable Gentleman opposite to him, when the subject was last agitated, that it was needless for him to say a syllable more upon it.

A third argument urged in support of the Prince's Rights was, that a *Prince of Wales*, when he came to the crown, could sue out an execution, as King, in a cause, in which he had obtained a judgment as Prince of Wales. But what was there in that. The reason why the Prince of Wales had this advantage over other subjects was obvious. If the son of a Peer, who had maintained a suit in the courts in Westminster-hall, and obtained a judgment, succeeded to his father's honours, before he had sued out an execution, he could not sue out an execution, without previously identifying himself, and convincing the court, that he was the same person who had prosecuted the suit, and obtained the judgment.—And why was not the Prince of Wales obliged to do the same? For this plain reason, the courts of Westminster-hall are held in the name of the King, and therefore in his own courts it must be matter of notoriety, that on the demise of the crown, the Prince of Wales had succeeded to it, and become King: but were these arguments multiplied ten times over what did they prove, That he had a Right to exercise the Sovereign Authority in his father's incapacity, without the consent and declared approbation of the two remaining branches of the Legislature? No more, than a proof that a man had an estate in Middlesex, was a proof that he had another in Cornwall, and a third in Yorkshire. In fact, all these arguments put together, regarded and considered with reference to the point in dispute, viz. Whether the Prince of Wales as Heir Apparent, had a Right to exercise the Sovereign Authority during the incapacity of his Majesty, were so irrelevant, so foreign to the question, and so perfectly absurd, that they were not to be relied on as law, *even if they came from the mouth of a judge*. Those, he said, who were like him standing up for the Rights of Parliament, and through Parliament for the Rights of the people, were peculiarly fortunate in one particular; they were as fortunate as most of those, who had truth and justice on their side, generally were; for little was left them to do, but to controvert and overcome their antagonists by stating to them, and

comparing their own arguments and assertions, made at different times, and as the occasion suited. It had been said elsewhere by a learned magistrate, (who had chosen to force his own constructions on their silence) that our ancestors, if they had entertained any doubt of the Right of an Heir Apparent, would, in their wisdom, have provided for so possible a case as the present; so far from leaving it to that learned Lord's wisdom to interpret, it must, he said, be believed by the Committee, that they would have provided for it in plain, distinct, clear, and express words, and would not have left it liable to be differently understood, as different men chose for different reasons, to say, it ought to be understood. The wisdom of our ancestors, however, he conceived, was better proved by their having said nothing upon it, but left such a question to be decided where it ought to be decided, whenever the occasion required it, by the two Houses of Parliament. That the Committee might assert the same, he meant in the Resolution he should offer, to quote that doctrine from the Bill of Rights, and assert that it rested with the Lords and Commons, as the rightful Representatives of the people. If the contrary doctrine was so evident that it must be true, if the Heir Apparent, or Heir Presumptive, had a clear right to assume the Royal Prerogatives, on the interruption of those powers, he said, he desired to ask every Gentleman in the Committee, whether they would wish to adopt such a doctrine as a doctrine applicable to the safety of the crown, which had been long gloriously worn by his Majesty, and which it was the ardent, the sincere wish of his people, he might long continue to wear, until it should in due time, and in a natural manner, descend to his legal and his illustrious successor. He deprecated the idea of avoiding the discussion of what limitations might be necessary, for insuring the safety of the crown on the head of its present possessor, on account of the many virtuous qualifications of the Prince, or out of respect to any other motive whatever. It would not have been wisdom in our ancestors had they said, that the care of the person of the Sovereign ought to be vested in the Heir Apparent.

In the attention which he found it necessary to bestow upon this subject, he was not content with such opinion as he might be enabled to form for himself. He was sufficiently clear, as far as precedent went, and the alledged right was perfectly done away in what he had already stated. There were other views, however, in which it might be argued and considered, that induced him to apply to the highest and best authorities, and by whose opinions he was confirmed in the conclusions he had drawn himself. Supported throughout by every precedent which history, or the records and journals of Parliament could furnish, in opposition to this alledged right, he next proceeded to consider, whether there

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appeared in its favour any thing of argument—any support drawn from the genius of the constitution—or any analogy of law. When the subject was first mentioned in the House, there was little reasoning employed, and all that was said, amounted to little more than different modes of putting the same assertion. There was, however, one assertion made by the Right Hon. Gentleman, which was worthy of notice, for, he maintained, that the Prince had the same right during the King's incapacity to exercise the Sovereign Authority, in the name of his father, which he would have to exercise it in his own, on the demise of the Crown; and the reason given for this was, that his Majesty's present situation was a *civil death*. Though the law was a profession to which he had once the honour to belong, yet so little did he feel himself qualified to discuss subjects of that legal import, that whenever he had occasion to do so, he did it with the utmost diffidence. He would leave it to persons more conversant in the profession, and certainly better qualified than he was, to discuss such subjects with the ability and science they required; but the present argument was too absurd to need any assistance to refute it. Referring to Mr. Justice Blackstone, he shewed that there were but two kinds of civil death—the one legal, the other voluntary. The legal death was by banishment, from which a man could not be restored, and after which he could not recover his estates. The voluntary civil death is, when a man becomes a monk, by which he is dead in law, and can never after have any concern in temporal affairs. The first was an act which cut off a criminal from all society within the realm, and the other was the voluntary act of retiring from the world. To consider as analogous to this, the affliction with which it pleased Heaven to visit his Majesty—to consider that situation as voluntary, or the infliction of legal punishment, was an idea as preposterous as it was impious. Would any person say that his Majesty had been, by process of law, disabled, or, by his own voluntary act, rendered incapable of wearing the Crown? Would they assert, that acts of perpetual disability were analogous to the visitation of God, a stroke inflicted by the hand of Providence, which might, and probably would, be but temporary? Could it be pretended that they ought to be adduced as acts, to prevent his Majesty from exercising, in future, those powers which he never had forfeited, which he had never renounced. But there arose out of it another consideration, still more fatal to the argument. The examination of the physicians who attended at the Committee, whilst it confirmed the deplorable fact of his Majesty's disorder, scarcely more calamitous to himself than to his people; yet afforded general and well-grounded hopes of his again being able to assume the reins of Government, which he had so long directed with the confidence and love of his subjects. He

hoped there were those who heard him, that did cherish the hope that he would be restored as soon, or even sooner, than was hinted in the most sanguine expectations of the most sanguine of his physicians. But what would this anxiously wished-for recovery avail to the purposes of Government, or good of his people, if, by the *civil death*, which some would have him undergo, he should be prevented from resuming the throne of his realm?

That such a thing could possibly happen, he did not mean to suggest; but it was sufficient to demonstrate the absurdity of the argument. He expressed his hope, that however distant it may be, the Crown of Great Britain might yet, in the due course of nature, adorn the head of the illustrious and accomplished Prince, who was now the Heir Apparent; but that Crown could never descend to him, otherwise than by the natural demise of his father. If any farther refutation was necessary, for so futile an assertion, it would be only to observe, that by exercising the Royal Authority under the same right as a demise, or by *assuming* that right, unless appointed by the Parliament, the fatal consequence would follow, that the care and protection of the King's person, would devolve to the very person who, in his name, and, in consequence of his infirmity, was exercising the authority of a King. "God forbid" (exclaimed Mr. Pitt) "that any one should be base enough to imagine that these observations, or this caution, could be in the most distant manner directed to the circumstances now depending. God forbid also, that any delicacy towards persons, however high and illustrious, or any confidence in character, however amiable and honourable, should ever induce us to dispense with the dictates of prudence, and the ordinances of our laws, so as to agree to the establishment of a precedent, so fundamentally fatal to every principle of our constitution, and of a tendency so injurious to the welfare of our country. I cannot possibly apprehend, that, in the sentiments I am expressing, I should be represented to the Prince as undutiful or disrespectful. But were I even *sure*, that *I should be so represented, I feel that within, that prompts to what is right; and I will postpone every personal consideration to my zeal and attachment to my Sovereign, and my duty to the Public.*"

After having advanced so much in contradiction to the claim of right, he believed no one would think of asserting it. The only question then was, and to which, what had passed before, was but preliminary, where did the right exist? If no provision in precedent, in history, or in law, was to be found for the exercise of such authority on the disability of the Sovereign, where was it to be found? It was to be found in the voice, in the sense of the people, with them it rested; and though in extraordinary cases, in most countries such an event as the calamity they all deplored,

deplored, would have gone near to dissolve the constitution itself, yet, in this more happily tempered form of government, equally participating in the advantages, and at the same time avoiding the evils of a democracy, an oligarchy, or an aristocracy, it would have no such effect; for though the third estate of the legislature might be deficient, yet the organs of speech of the people remained entire in their representatives, by the Houses of Lords and Commons, through which the sense of the people might be taken. The Lords and the Commons represented the whole estates of the people, and with them it rested as a right, a constitutional and legal right, to provide for the deficiency of the third branch of the legislature whenever a deficiency arose: they were the legal organs of speech for the people, and such he conceived to be the doctrine of the constitution. He said, he would not merely state these as his own opinions, but he would state them to be the opinions of those who had framed the Revolution, who had not, like the Committee, to provide for the interruption of regal powers while the throne was full, but to supply the deficiency of the third branch of the legislature, which was wholly vacant. Whenever the third branch, however, of the legislature was wholly gone, or but suffered a suspension, it was equally necessary to resort to the organs of the people's speech. Agreeably to the laws of the land, to the records of Parliament, to precedent, and to the constitution, the political capacity of the King, except in cases of absolute forfeiture of the Crown, was always considered as legally entire; and, during that political capacity, according to the spirit of the constitution, if any natural incapacity should cause a suspension of the Royal Authority, it then rested with the remaining branches of the legislature to supply such defect. In every proceeding of the Parliament in the reign of Henry the Sixth, they had acted upon such power, and declared who, and in what manner the Royal Authority was to be exercised for and in the name of the King. Without paying any attention to the different names, by which this power was, at different times, denominated, whether Protector, Custos Regni, Regent, or Lord Commissioner, he was ready to prove, that in all such cases, it remained with the two Houses of Parliament, to make such provisions as they thought suitable to the exigency of the time. Here again he recurred very particularly to the precedent of the reign of Henry the Sixth. The King, being a minor, and no Parliament in being, his uncle, the Duke of Gloucester, as next of blood and Presumptive Heir, after the elder uncle who was abroad, issued his writs for summoning a Parliament. — When they had assembled, they were very well aware that the conduct of the Presumptive Heir was not warranted by law, and justified only in the exigency of the occasion; for which reason they passed an act, legalizing the former proceedings, which they

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certainly would not have done, if the Presumptive Heir was competent to convene them of his own authority. This he meant, in answer to an observation of the Right Hon. Gentleman, (Mr. Fox) that, had there been no Parliament, the Prince would have a right immediately to convene it. This was not all he had to deduce from the conduct of the Parliament now alluded to. There was much more in this precedent, applicable to the present case, and of more force than inference, or implication; for, some time afterwards, the Regent justly complained, that his power was too limited; the answer of the Parliament, which was by no means favourable, reminded him, amongst many other things, that he had first claimed the situation as his Right, but which they would not acknowledge, not being acquainted with any other Right, but that of their Sovereign Lord the King, except such Right as was derived from themselves. This he thought fully in point, and fully conclusive of the Question of Right not being in any person, but a trust given by the appointment of the two Houses of Parliament. If after this precedent, there should be wanting any great law authority, there was that of Mr. Pym, who was allowed to understand the constitution of this country, as well as any writer on that subject, and he expressly declared, that any deficiency in the third estate, must be supplied by the other two. The same was the principle on which the Revolution was effected. And Coke, who was as great a lawyer as ever lived in any country, and infinitely superior to all others in knowledge of the English laws, concludes his short chapter on this subject, "*de custodibus regni*," with saying, that "it was best they should always be appointed by Parliament." The rights of Parliament were, he said, congenial with the constitution. He referred the Committee to every analogy that could be drawn from the principles of the constitution, and the only right, he said, it was clear, would be found to exist in Parliament, a right capable of so effectually providing for the deficiency of the third branch of the legislature, as to enable them to appoint a power to give sanction to their proceedings in the same manner as if the King was present. As the power of filling the throne rested with the people at the Revolution, so, at the present moment, on the same principles of liberty, on the same rights of Parliament, did the providing for the deficiency rest with the people. He declared, he felt himself inadequate to the great task of stating the rights and privileges of the constitution, and of Parliament; but he had made it appear, as plainly as he could, that no right existed any where to exercise the whole or any part of the Royal Prerogatives during the indisposition of the Sovereign. He had also proved, that from the necessity of the case, it rested with that and the other House of Parliament, to provide for the deficiency in the legislature. He supposed that doubts
might

might be stated, as to the propriety of coming to any decision on the question, and that he might be charged with having stirred notions dangerous to the state, but such questions, he begged it to be remembered, *he* had not stirred: when questions, concerning the rights of the people, the rights of the Parliament, and the interest of the nation were started, it was necessary, if the House had a right to discuss the subject, to exercise that right; it was their duty, it was a matter that could by no means be lightly given up. If it was their duty in the present calamitous state of the nation to grant power, they ought to know *how* they granted such power. They must decide either in the manner of a choice, or as acting judicially to recognize a claim of Right, and if they recognized such claim, it would be an acknowledgment that they had no power to deliberate on the subject. If they did not come to some decision, they would confound their own proceedings, and it would be highly dangerous to posterity, in point of precedent; they were not, therefore, to consult their own convenience.

He remarked, that the Right Hon. Gentleman had originally, in strong and lofty terms, asserted the right of the Prince of Wales, as Heir Apparent, to *assume* the exercise of the Sovereignty; but that doctrine had since been *recanted*. (Here Mr. Fox, objecting across the table to the word *recant*, Mr. Pitt said, that the only thing he would recant, was the use of that expression, and content himself with saying, that at least he *disavowed* it.) This reminded him of the precedent in the reign of Henry the Sixth, during which the Duke of Gloucester quarrelled with the Bishop of Winchester; which disagreement rose so high, and was carried so far, that at length the Duke brought a criminal charge against the Bishop, accusing him of having, in a former reign, advised the Prince of Wales (afterwards Henry the Fifth) to assume the sovereign authority in the life-time of his father, Henry the Fourth. Though this charge, if proved, would have been high treason, the Bishop desired that it might go to the Judges, and the validity of it be enquired into. The quarrel, however, was compromised, on grounds of personal convenience, and the charge never came to a decision.

He noticed a declaration that had been made elsewhere, of no intention of asserting a right, but it had been made in words, and there was no parliamentary grounds to go upon, that a right would not, at some future period of our history be attempted, either to be assumed or asserted. He declared, he saw no possibility of the Committee proceeding a single step further, without knowing on what kind of ground they proceeded, and, therefore, it was indispensably necessary to have the question of right decided; the danger of the question originated in its having been stirred, not in its being decided; the danger of the stirring would be

be done away by the decision, but the leaving it undecided and equivocal, would be highly dangerous.

He drew to a conclusion, by saying, that he wished to impress the House with a conviction, that if they had a *Right*, they had also a duty, and that a duty which neither their allegiance, nor their affection to the Sovereign, would allow them to dispense with. It was their *duty* at this time, not only unequivocally to declare their right, so that it might remain ascertained, and beyond the possibility of all question hereafter, and be secured to posterity, but to proceed, without delay, to exercise their right, and provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's indisposition. He reasoned against the probability of their decision, either causing a dissention between the two Houses of Parliament, or producing mischievous consequences of any kind. On the contrary, if the right were not declared, as well as decided, it would appear that the two Houses had made a compromise unbecoming themselves, and had acted upon personal motives, rather than a due regard to the true interests of their country.

The *Chancellor of the Exchequer* here proceeded to read his three resolutions, as follow :

I. That it is the opinion of this Committee,

“ That his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby for the present interrupted.”

II. That it is the opinion of this Committee,

“ That it is the right and duty of the Lords Spiritual and Temporal, and Commons of Great Britain now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.”

III. “ That for this purpose, and for maintaining entire the Constitutional Authority of the King, it is necessary that the said Lords Spiritual and Temporal, and Commons of Great Britain, should determine on the means whereby the Royal Assent may be given in Parliament to such Bills as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majesty's present indisposition.”

The first Resolution was put, and carried unanimously.

The second being read,

The *Master of the Rolls* (Sir Richard Pepper Arden) followed the Chancellor of the Exchequer, and began a very able argument, with declaring, that till within the last ten days he never had heard that there was any Right existing in his Royal Highness the Prince of Wales, either to assume (as it had been first stated) or that attached, (as it had been since explained) upon the declaration of the two Houses of Parliament, of the temporary incapacity of the Sovereign to exercise the Royal Authority during such incapacity. Sir Richard quoted a great variety of legal authorities to prove the reverse to be the fact. He called upon the learned Gentlemen of his own profession to point out the statute that contained any recognition or declaration of such a Right's existence, or any law-book whatever; and he referred to several statutes and law-books that were likely to have noticed it, if any such Right had existed, but which were all of them completely silent on the subject. Sir Richard also observed, upon what had fallen from a noble and learned Lord in another place last Thursday, respecting the Prince of Wales and his Majesty being deemed *one and the same person* in a particular record. He said he had read the Record, and he explained to the House what its subject was, by quoting an extract from it. After a great deal of legal discussion, Sir Richard considered the precedent in the reign of Henry VI. and reasoned upon it with considerable clearness, laying great stress upon its pointed analogous reference to the present case. Before he sat down, he declared, he had no doubt whatever, but that it was the constitutional right of both Houses to provide for the interruption of the Royal Authority during the continuance of his Majesty's illness. Sir Richard spoke very respectfully of the Prince in the course of his argument, and gave it as his opinion, that the best way to testify a proper respect for his Royal Highness, would be by deciding in favour of the Rights of Parliament, on the preservation of which the welfare of the Crown, and the interests of the People so essentially depended.

Mr. Loveden said, he deprecated needless contention on the momentous business before the House, and professed himself a strong friend to unanimity, thinking it a most desirable object to be obtained in the conduct of the present truly important proceedings. Mr. Loveden begged to be permitted to ask the Right Hon. the Chancellor of the Exchequer two questions: one, whether, by the Resolutions that had been just read, he meant to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent? The other, whether by the words, towards the end of the Right Hon. Gentleman's speech, relative to motives of private interest or convenience, the Committee were to understand, that such Gentlemen as would not submit to

vote for the Resolution, would have their votes imputed to private interest and private convenience?

The *Chancellor of the Exchequer* said, he should be exceedingly happy to give any gentleman the fullest satisfaction, if he appeared to have misunderstood any part of what he had said.

With regard to the first of the two questions, viz. Whether he meant by the Resolutions to preclude his Royal Highness the Prince of Wales from being Regent, and sole Regent? He believed, gentlemen knew, that he had on Friday last very fully intimated his individual sentiments on the subject, and had declared, in express terms, *that it was, in his opinion, highly desirable, that whatever part of the regal power it was necessary should be exercised at all, during this unhappy interval, should be vested in a single person, and that person his Royal Highness the PRINCE of WALES.* The present Resolution was only calculated to declare the Right of the House, in concurrence with the House of Lords, to appoint a Regent, and to leave it open for them to determine, in a subsequent stage, who the Regent should be.

With regard to the Hon. Gentleman's conceiving that he had said, those who would not submit to vote for the Resolutions, would have their votes imputed to motives of private interest and convenience, he should be heartily ashamed if he could have been indecent enough to be guilty of so much rudeness to that Committee, or any individual members.

In mentioning the construction the world might possibly put upon their conduct at that moment, and under the peculiar circumstances of the case, he had said, that if, when the essential constitutional rights of the two Houses were questioned and doubted, they refused to vote resolutions that would decide upon them, and insure them to their posterity, they would render themselves liable to have their conduct imputed rather to motives of personal interest and personal convenience, than to a due regard of their duty, and that attention to the honour and safety of the Crown, as well to the preservation of their own clear and invaluable Constitutional Rights which they owed to the country and to themselves.

Mr. Baskard said, he had no view in rising, but merely a wish to promote the public good; he rose, therefore, without looking to the right or to the left, equally indifferent to both parties, earnestly to intreat Ministers, before they pressed the Committee to come to a vote on the Question, to consider the consequences it might possibly produce. He professed himself anxiously desirous, that there should be unanimity in the progress of so important a business; and by unanimity he did not merely mean unanimity within those walls, but unanimity between the two Houses of Parliament. Should the House of Lords decide differently from that, such consequences might arise, as he could not reflect

reflect on without horror; it was by no means certain, that the other House would adopt the same Resolutions that were voted in that.

He asked, what possible advantage could result from pressing the Resolution in its present form? He had heard a declaration made in another place, from the highest authority, that his Royal Highness the Prince of Wales never had made any claim of Right whatever on his part, and that he felt too much sincere regard for those sacred principles which had seated the Brunswick family on the throne of these realms, ever to assume or exercise any power, *be his claim what it might*, not derived from the will of the people, expressed by the House of Lords and the Representatives of the people in Parliament assembled. Why then should a Resolution be pressed, where no claim had been made, and an assurance had been given, that no claim would be made?

Mr. Bastard advised the leaving out the word *right*, and confining the Resolution to the words, "that it was their *duty* to provide," which, he said, would in effect answer the same end, and at the same time avoid the risque of provoking a disagreement between that and the other House of Parliament. The circumstances of a neighbouring kingdom, were also to be considered, which had Lords and Commons of its own, independent of this; and if a Question of Right were to be declared here, they would also feel themselves called upon, to declare a Question of Right, and to be obliged, for the very purpose of shewing their independence, to decide on it, in a different way. If the Question of Right must be decided, he should not hesitate on what side to give his vote, but he saw no necessity for deciding on it at all, and wished it to remain as it stood.

He said, at present he believed the Right Hon. Gentleman at the head of the Exchequer, stood higher in the esteem of the people, than the Right Hon. Gentleman on the side of the House on which he then spoke; he hoped to God, therefore, a regard to his own credit, and the favour in which he stood with the public, would induce him to alter his motion, and prevent the possibility of provoking that danger which he had described, in the early part of his speech; he said, he urged this the more earnestly, as he saw not the smallest possible advantage that could result from pressing the question, worded as it was, on the Committee.

Lord North said, he should not have troubled the Committee with his sentiments at so early an hour, but that he should not be able, he feared, to stay to deliver them at a much later. The same question—what good can attend the decision of the Right? which had occurred to the Hon. Gentleman who spoke before him, occurred also to him, and he was not able to devise an answer to it, because he saw no possible good that could result from it;

it; on the contrary, he agreed with the Hon. Gentleman, that deciding the question might lead to consequences, which it ought to be their study to avoid incurring; it appeared to be a dangerous and pernicious question. No personal or private motives, it was said, were to have any weight; and of two opposite opinions that had been stated, in what respect could deciding which was preferable, conduce to the settlement of the important business they had in hand, which might be equally well settled without discussing either.

Having desired to have the question read, his Lordship said, he felt most objection to the second part of this question, though he likewise felt much objection to the first part as well as to the second. The Right Hon. Gentleman had said, he was afraid, unless the Committee decided on that question, and that in the way that he thought right, that the country would conceive they had been actuated by personal, instead of impartial motives. It did not strike him, that by agreeing with the Right Hon. Gentleman, and voting that question, they would appear to have acted with greater impartiality, or that the public would be convinced, that they had been actuated by motives less personal than if they did not vote it.

His Lordship said, their much beloved Sovereign was at present in a melancholy state of health, and they all hoped, by the blessing of God, that he would recover; but after the fact was established, of the incapacity of their Sovereign to exercise his Royal Authority, they ought immediately to proceed to restore the third branch of the Legislature, and the sooner they did that necessary act of duty, the less his Lordship said, would their proceedings be liable to the imputation of their having acted from personal motives. He agreed with the Right Honourable Gentleman, that the two Houses of Parliament were the true and lawful Representatives of all the estates of the people: but he begged the Committee to consider, that in consequence of that melancholy misfortune which they all deplored, and which every man of feeling must deplore, they were sitting, not indeed in the form of a Convention, (because it happened that the two Houses of Parliament had been regularly called together) but with not a whit more authority than a Convention possessed, to do that duty which the calamity of the moment called upon them to perform. Under such circumstances, sitting there in a maimed and imperfect Legislature, they ought to confine themselves strictly to the necessity of the case, since every step that they proceeded, beyond the necessity of the case, was a step in error, and a step which they ought not to take. In the calamitous state of the Sovereign's health, and the consequent unsettled state of government, when such important objects demanded their

their attention, why distract it from its proper course, by speculative and unnecessary questions.

Every step they had hitherto taken, had been strictly justified by the necessity of the case. Nothing but *necessity* could justify their proceedings. To act in the regular way, required a concurrence of the three estates, Kings, Lords, and Commons; therefore they should proceed no further than absolute necessity required. What occasion was there for abstract propositions, as to the declaration of the Parliament, that it was their *right* and their *duty* to chuse and nominate the person who was to assume the executive power? Was not this *right* sufficiently declared in their proceeding to exercise it?

Without the third branch of the Legislature, they had no power: they ought therefore immediately to proceed to fill the vacancy that unfortunately existed, and not enter into a discussion of abstract and speculative questions, which tended only to dissention and mischief. What good could arise from deciding the present question? And if no good was likely to result from it, he hoped the Committee would go along with him in preventing the mischief, and proceed immediately to the business, the only business before them, the filling up the third branch of the Legislature.

Had any claim been preferred? Had not a declaration been made elsewhere, that there never was an intention to urge a *claim*? Where then existed the danger to the Rights of Parliament, when no plea was offered in bar? Why then was it to be decided on at all? He could not therefore agree to vote the Right of the Lords and Commons, which the Resolution contained, nor could he think that the declaration of an individual member of that House, was sufficient ground for voting any Resolution.

How had those great men thought it their duty to proceed, who settled the Revolution?—to declare a vacancy, and to fill it.—Had not old Maynard said, “The Throne is *vacant*, but the Law and the Constitution remain; it is our duty to restore the regal Power, and render the Legislature complete.”—That hint had been followed; they had not lost time in discussing theoretical questions, on which some might adopt one mode of reasoning, and some another; but they had at once declared the *Prince of Orange, KING*. In like manner now, instead of agitating the Question of Right, where no question had been formally made, and where such a discussion could only lead to error and to difference of opinion; they ought to declare a Regent, and thus restore the third estate. They had established the present temporary defect in the Constitution. by the Resolution they had just voted. The next duty they had to perform was, without the loss of a moment to supply the deficiency.

They were all agreed, that the Heir Apparent, whether from right or expediency mattered not, ought to be appointed Regent. Why then was the abstract Question of Right introduced? that being unanimous in the main point, they might quarrel about accessories. On the abstract Question of Right, some would be guided by one sort of reasoning, others by another. Some would hold with one opinion, that the Heir Apparent had an attached right to the Regency, others with another opinion, that all persons had an equal right; and in that case, if they came to an election, their choice might fall on another great Prince, or a great Lord, or a great Commoner; but certain he was, that if they did not decide in favour of the Prince of Wales's right, however it originated, they would decide neither according to law, justice, nor political expediency. He supposed, however, the question was only introduced to be over-ruled, and that, as they agreed on the essential points, the Right Hon. Gentleman was determined they should not proceed from the first to that which ought truly to be the second, without some altercation by the way. If there had been any question as to who ought to be entrusted with the Regency, the Question of Right might have been, with some plausibility, brought forward.

Another objection his Lordship made, was this: the motion, he observed, called upon him to declare the Rights and Duty of the Lords Spiritual and Temporal. What right had that House to interfere with the Rights and Duties of the other House? The second part of the proposition, that which, they were told, was necessarily connected with the first, contained (his Lordship said) a *project* of a very extraordinary nature, a project for passing a Bill, a project directly violating the fundamental principles of the Constitution, and which, for that reason, he could not agree to. It was said, the Regent was not to be invested with all the authority of the prerogative, but receive it under certain restrictions and modifications; and in order to do this, a *project* was contained in the third Resolution, for giving the form of the Royal Assent to such restrictions; and by which, he was told, means were to be *devised*, a pretty new device he would take the liberty of saying [*His Lordship was here informed, that the words were "to determine on the means."*] His Lordship said, he wished it had been *devise*; for that would have been peculiarly applicable; but whether they were to *determine* or *devise*, if they attempted to do any legislative act in the present circumstances, they would usurp on the Prerogative, and new model the Constitution. The *project* was to pass a Bill. To pass a Bill, was to do an act of Legislation, and to make a Law. Could that House, which had not the power to receive a petition for a turnpike bill, proceed to legislate? Did they forget, that the two Houses,

Houses were by statute declared incapable of making laws? Did they mean then to take into their own hands, the dormant and suspended rights of the crown? Would they assume the sovereign authority, abandon all the principles established in 1688, and *recast* the Constitution? While they were unnecessarily jealous of their own rights, would they thus trample on the rights of the crown, and without either preferring a claim, or asserting a right, the existence of which the plain language of the Constitution expressly denied, arrogate to themselves the regal powers?

The plain road of proceeding was easy and short; proceed directly to nominate a Regent, and then when the third branch was restored, and the Legislature was complete, they would become a Parliament perfect in all its constitutional forms, and they might legally pass any laws either of limitation, restriction, or of any other kind. But to attempt to proceed otherwise, was to trench on the prerogatives of the crown, while they lay at their mercy. His Lordship said, however respectable his Right Honourable Friend's opinions were, it was making him of more importance than he would wish to have annexed to him, to ground a publick proceeding of that House on any opinion of his.

His Lordship, after recapitulating the heads of his speech, returned the Committee thanks for their indulgence, and moved, "That the Chairman do leave the chair, and report progress," declaring, that he made that motion with a hope, that when the Committee sat again, they would meet under the impression of more constitutional sentiments, and with a better regard for the principles established at the Revolution, than they appeared to be, at present, impressed with.

Mr. Powys seconded the motion of Lord North, and said, at such a moment every Gentleman ought to come forward with an avowal of his opinion. He stated, that he was averse to a declaration of the rights of that House, when no claim had been made, that rendered such a declaration necessary. Mr. Powys noticed the rashness of asserting, that the Prince of Wales had no more right to the Regency than any other individual subject, and made several observations on the danger of broaching such doctrines, which he urged might in its effects be more *calamitous* than the *very calamity* which was the occasion of their proceedings; declaring, at the same time, that he did not mean any thing individual or personal in the references to such an assertion, but merely to express his opinion, that any man who made an assertion of that sort, did not adopt a line of conduct likely to preserve the temper and moderation that ought to mark their proceedings, on so solemn an occasion. In seconding the motion of the noble Lord, he should propose that the chairman,

after reporting progress, should ask leave to sit again ; which would surely satisfy the most scrupulous upon the other side, as it would clearly imply a right to go on with what they had begun, at the same time that it got over all the difficulties, that might be involved in it. His opinion was, on no account to dismember the prerogative of the crown, but appoint his Royal Highness Regent, with full regal powers, and that immediately.

Mr. Rolle rose, and in compliance with the sentiment of *Mr. Powys*, that every man ought to avow his opinion in such a critical moment, declared, that he thought the Question of Right indispensably necessary to be discussed and decided, after what had passed in that House and elsewhere ; it was not merely the declaration of an insignificant individual, thrown out on speculation, but it was thrown out in a very dictatorial and peremptory manner, in the Senate of the nation, by a person believed to be in the confidence of his Prince, surrounded by others, his most confidential friends, not attempted to be contradicted, or explained away by any, but even supported by one (*Mr. Sheridan*) until they had consulted their pillows, and met in convention at an appointed place. The mere effect of words was afterwards endeavoured to be done away, but the substance and principle remained as much at issue as ever it was. A decision, either way, *Mr. Rolle* thought less likely to inflame, than to permit the question to float in suspense. He said, he always acted from the dictates of his conscience, and delivered his sentiments with the same indifference to parties, as his worthy colleague had declared he did. He had no doubt, whatever difference there might be in their opinions as to the means of obtaining the end, the object was the same, the real interest and happiness of their country, the preservation of the Constitution, and the just rights and privileges of the King, the Prince, the two Houses, and the Public.

He had not, he said, the same dread of a dispute between the two Houses of Parliament, nor with another kingdom ; such imaginary fears ought not to make this House shrink from its consequence, and from its duty. His worthy colleague was present, *Mr. Rolle* said, when he told his constituents (in unison with whose sentiments he ever wished to act) that it was measures and not men which he should look to for his public guide ; and that so long as the Right Honourable Gentleman at the head of the treasury appeared to him to be actuated by principles of loyalty to the King, and of zeal and regard to the interest of the nation, and the constitutional rights of the subject, he should have his support, and no longer.

He agreed with his colleague, that the conduct of the Right Hon. Gentleman, hitherto, had been such as to entitle him to the confidence and applause of his country, which had gained him

him a preference in the public opinion and wishes, to his opponent (Mr. Fox). He had restored our commerce, and exalted the national character, both of which were in a state of ruin and degradation, when he was placed, by his Sovereign, with the general voice of the people, to conduct the most important interests of the Country. On the present occasion, he appeared to be actuated by an anxious and ardent wish, to preserve the Rights of the Crown safe and entire, in a moment of singular calamity and misfortune; therefore his endeavours should have his most zealous and firm support. Mr. Rolle professed the highest respect for the Prince of Wales, declaring, no person withed more fervently for his real interest and happiness than he did; notwithstanding, he would never allow him the inherent Right, independent of the two Houses; yet, he was ready to admit, that a Prince of Wales, of full age and capacity, was the properest person to be appointed the Regent, provided he had not, by any illegal or unconstitutional act, forfeited such pretensions. However brilliant might be his virtues, or illustrious his character, it should never so far dazzle his eyes, as to make him lose sight of the duty he owed to a lawful and much beloved Sovereign, and to the people of England. If the Prince should be the Regent, Mr. Rolle said, he should ever find him firmly attached to his true interests, and ever loyal and dutiful to himself and family. When the great Question came, he would endeavour to discharge the great trust, delegated to him by his Constituents, to the best of his judgment, faithfully and conscientiously, without fear or partiality either on the one hand or the other.

The *Attorney General* next rose, and said, he had paid much attention to the subject of the present debate. He had now listened to the arguments of the noble Lord (Lord North) with all the respect due to his ability and experience, and he must say, that the noble Lord's acute discernment never appeared to him to have failed so much as on the present very important occasion. The objects which the noble Lord was anxious to attain, were the very objects of the present motion—Expedition and constitutional certainty. No loss of time could be incurred by determining, that it was the *right and duty of the Lords and Commons* to provide for the present exigency; on the contrary, that such a Resolution was a necessary foundation for all their future proceedings, as well as to vindicate the rights of the whole community. He desired, that the distinction between the *politic* or official capacity of the Crown, and the *natural* and human capacity of the person of the King, might ever be kept separate, for upon that distinction the whole rectitude of their proceedings depended. The *politic* capacity was *invulnerable*, the *natural capacity* not so. The former required no supply, the latter only, unfortunately

did. The mode in which the latter was supplied, in ancient times, lay in some obscurity. Whether, in tender infancy, the expression of the King's will, by his Great Seal, was directed by his Privy Council, his great Council of Peers, or his still greater Council of Parliament, was a matter of some obscurity, but that it was so manifested is certain, and that manifestation by the Great Seal is proved by the Rolls of Parliament, uniformly to have been deemed necessary. In what shape it was to be manifested, in the present instance, would be the subject of future consideration. He admitted, with the noble Lord, that to act, and not to determine abstract questions, was the duty of the Committee; but that it was impossible to consider the explaining the principles upon which the Committee acted to the community at large, as an abstract question: on the contrary, it was a question, which, for the benefit of that community, they were bound to determine. He begged leave to advert to the situation in which both Houses of Parliament met, in obedience to the King's Writ of Summons, were then placed. They were the only possible Counsellors to advise the King's *politic* capacity, as to the mode in which the exercise of the *natural* capacity might be supplied, in the present situation of affairs. He dwelt for some time upon the distinction between the natural and politic capacity of the King, which constituted the difference between an absolute vacancy of the Throne, (which existed at the Revolution) and a temporary supply of some of its natural functions. He then observed, that the question had been greatly narrowed by the noble Lord's proposing, in effect, that the present debate should be put an end to, upon the supposition, that its continuation must be attended with public disquietude, and that the Heir Apparent having tendered *no formal claim*, rendered it unnecessary. He adverted to the person and the manner in which that claim had been introduced; not by a member of the House casually, and as it were by conjecture, but by a great statesman, anxiously, studiously, and upon full consideration, desiring to be understood to do it *in limine* of the whole proceeding, on the very moment of presenting the Report of the Committee of enquiring into the state of the King's health. He observed also, that a degree of acclamation had attended that proposition, and protested, with some warmth, that so long as any one member in that Committee professed himself to adhere to that proposition, he should himself take the sense of the House upon the present question. That their ancestors, and predecessors in that House, had furnished them with two clear and perfect examples, nearly similar at two different periods, at the distance of thirty-two years, in the reign of King Henry VI. founded, as the Parliamentary Records declare, on a search of former precedents. From that time no precedent could be expected, as no occasion

called for any such provision till the reign of Henry VIII. when Regency Acts began, which had, from time to time, been renewed. It would therefore, he observed, be *leaving* their ancestors *in the lurch*, if the Committee deviated from those examples founded on all preceding practice, which proved a Regent to be unknown to the common law of the land, and a mere creature of Parliament. He enforced this by adverting to the Rolls of Parliament, which proved, that when the Duke of York was made Regent by King, Lords, and Commons, in the reign of Henry VI. a patent was directed to be sealed in favour of the Prince of Wales, when he should come of age, which demonstrated, as he contended, that, without a patent, the Prince of Wales, when of age, could not claim *as of right*, much less *assume*, the Regency of this realm. With respect to disquieting the minds of the subjects of Great Britain, he insisted, that this great question having been anxiously introduced by a Right Hon. Gentleman, it must now be settled for all posterity. If the embers of that question were suffered to remain smothering, they might hereafter burst out in a conflagration, very, very difficult to extinguish; but it had been said, that the present question was entirely new, and he would, for the sake of argument, take it to be so: at the same time denying that it was so. If new, this principle must be adverted to, which was the foundation stone of the liberties and privileges that British subjects enjoy: that although the necessity of some government amongst human beings is as apparent as that of food or cloathing, yet that the powers of government must be derived from the community at large; and that it must be clearly and distinctly shewn, that they have parted with any specific power claimed even by the Crown, much more by its substitute. The evidence of this could only be by usage or written law; and he challenged the gentlemen of his own profession to maintain, whether there existed one single document, *dictum*, or syllable, which maintained the present doctrine, and whether there did not exist the most profound authorities to the contrary. He then enlarged upon the several species of property, in order to shew, that nothing could be derived from analogy to them, whether it consisted of personal or real property, of offices, or dignities, which could support the argument against the present question. He then conjured the House not to *skulk* from the real and substantial question of their Rights, under the shelter of a sort of previous question, but manfully to recollect that they were acting, not for themselves personally, but for the people of Great Britain, and for the subjects of the empire, from the highest to the lowest.

The Attorney General observed, that the dead silence of the whole law upon this common law right of a Regent, was a strong proof that it was unknown. If there were such a common law

officer, he asked, how our ancestors, when framing the coronation oath, the counterpart of the oath of allegiance, had not directed, that it should be administered to *Regents*, as well as to *Kings*? Whereas, according to the doctrine of the day, a *Regent* was to step into the Throne without such pledge given to the people of the land, for the enjoyment of their rights, civil and religious. This dead silence, as to common law right, was, however, interrupted by the powerful language of Parliament, when it granted a reversionary Patent to the Prince of Wales, then a minor, when he should come of age. It seemed as if this had been done to preclude any claim of Right for ever, and hoped we should profit by that lesson this day.

Mr. Fox then rose, and prefaced his speech, by saying, it was impossible for him to sit silent, although it had not been his intention to have troubled the Committee with much that day; and, indeed, if he had thought it necessary, after what the House had before heard from him on the subject, to enter into any farther justification of his opinion, which he did not, he was not, from personal indisposition, capable of doing that justice to its defence, which he was sure it deserved. Not thinking it necessary to make such a defence, he should treat the Question only in a collateral way, and therefore should not have occasion to detain the Committee very long, nor was there danger of his injuring that cause which he had engaged in, by any deficiency of reasoning resulting from his present bad state of health. He must reprobate, he said, the insidious mode, in which the Right Hon. Gentleman, who had moved the Question, had chosen to bring on that discussion. He had founded a great constitutional question on the opinion of an individual, more, perhaps, from motives of personal triumph, than from the idea of any necessity of coming to a determination. After an exordium to this effect, *Mr. Fox* said, any man would imagine, that from the weakness of the arguments advanced on the other side, those who had used those arguments wished to provoke him to debate the *Right* of his Royal Highness the Prince of Wales to exercise the Sovereign Authority, during the incapacity of the Sovereign. From the extreme futility of their reasoning, from the glaring absurdity of their inferences, the false premises that they had laid down, and the irrelevant and inapplicable precedents, which they pretended to rely on, they perhaps thought that they held out a temptation so strong, *that flesh and blood could not withstand it*. He therefore trusted the Committee would forgive it, if he took up a little of their time, in exposing and confuting the extravagant and ill-founded arguments, on which they had chosen to rest their hopes, of inducing the Committee to agree to the Resolutions which the Right Hon. Gentleman had brought forward: Could the Right Hon. Gentleman and his friends suppose, that the Com-

committee would think them serious, in supporting the system they meant to proceed upon in the present exigency, by producing the sort of precedents to which they had referred? What a miserable system must that be, the prominent features of which were so disgraceful? Was the practice of the present times, times so enlightened, and in which the principles of the Constitution were so well understood, to be grounded on precedents drawn from so dark and barbarous a period of our History as the reign of Henry the Sixth? And were the Rights of that House of Commons, and its proceedings in one of the most difficult moments, that had ever occurred, to be maintained and vindicated by the example of the House of Lords; at a time when that House of Lords had the complete dominion of the executive government, which they exercised with no unsparing hand; at a time that the Rights of the Commons House of Parliament were so ill understood, or so weakly sustained, that its *Speaker was actually in prison*, on commitment of the House of Lords; in prison upon a judgment in favour of that Duke of York, whose measures Administration had avowed it to be their intention to imitate? Let the Committee reflect a moment on the period, the infamous transactions of which were chosen to be made the model of the proceedings of this day; that period which led immediately to the wars between the Houses of York and Lancaster, and was that melancholy æra, at which all the dismal scene of anarchy, confusion, civil warfare, and bloodshed, that so long desolated the kingdom, and reduced it to a state of unparalleled disgrace and distress, commenced. Were the Committee to select their precedents from such times, and to govern their conduct by such examples? From a time too, when the House of Commons was prostrate at the feet of the House of Lords, when the third Estate had lost all energy and vigour, and when all the power lay wholly in the hands of the Barons. Precedents drawn from such times, could not be resorted to with safety, because there was no analogy between the Constitution then, and the Constitution as established at the Revolution, and since practised. All precedents taken from periods preceding the Revolution, must be precedents, that bore no analogy to the present case; because, at no one period, before the Revolution, was civil liberty clearly defined and understood, the Rights of the different branches of the Legislature ascertained, and the free spirit of our Constitution felt and acknowledged. The earlier periods of our History were such, as only shewed the changes of hands, into which power shifted, as the circumstances of the times ordained. In one reign, the power would be found to have been in the King, and then he was an absolute tyrant; in others, the Barons possessed it, and held both King and Commons in the most slavish subjection; sometimes the democracy prevailed, and all the oppressions of a democratical

mocratical Government were practised in their fullest enormity. No precedent, therefore, drawn from times so variable, where right and wrong were so often confounded, and where popular freedom had neither an existence nor a name, ought to be relied on. Amidst all the precedents, either in the History of Britain or the Records of Parliament, he desired to know if they had found one of a Prince of Wales, of full age and full capacity, who had been denied the exercise of the Sovereignty, during the known and declared incapacity of the Sovereign? One of the precedents the Right Hon. Gentleman had mentioned leaned rather that way; he meant the precedent in the reign of Edward the Third, where the Prince of Wales, though a minor, was declared Regent in the absence of his father. With regard to what the Right Hon. Gentleman had stated, of the quarrel between the Cardinal de Beaufort and the Duke of Gloucester, was that at all in point to the case to which the Right Hon. Gentleman had so invidiously applied it? What was that charge?—A charge, that Cardinal de Beaufort had in the reign, and during the life-time of Henry the Fourth, advised the Prince of Wales, (afterwards Henry the Fifth) to take upon himself the exercise of the Sovereign Authority. Was there the smallest degree of analogy between the illness of Henry the Fourth, and the known cause of the incapacity of our present Sovereign? Henry the Fourth was afflicted with a languor, the natural concomitant of age; and in his case, the consequence of a fever, and long sickness; but was Henry the Fourth, therefore, incapacitated from the exercise of the Sovereign Authority? By no means; he might not be able to meet his Parliament, but most undoubtedly he was not disabled from executing public business of any other kind. He was in full possession of all his mental faculties, could issue his orders, and instruct his Ministers, just as well as he could do either, in the fullest vigour of his youth. To advise the Prince of Wales, therefore, under such circumstances, to take upon himself the exercise of the Sovereign Authority, was to advise him to be guilty of high treason; and had the Prince of Wales been so advised, and followed the advice, he had no scruple to say, the Prince would have been guilty of high treason, and have subjected his life to forfeiture. It was no wonder, therefore, that Cardinal de Beaufort, feeling the weight of such an accusation, as that urged against him by the Duke of Gloucester, and knowing the serious consequences it led to, should such a charge be proved against him, acted wisely in avowing his innocence, standing upon his defence, and desiring that the matter might be referred to the Judges, that he might be purged of the guilt imputable to so foul an offence.

On the present occasion there had been, he observed, two assertions of positive Right on both sides the House. On his side, the

the assertion of the *Right* of the Prince of Wales, being Heir Apparent, and of full age and capacity, to exercise the Sovereign Authority during his Majesty's infirmity. On that of the Right Hon. Gentleman, the assertion that the Prince had *no more Right* to exercise the Sovereign Authority, under such circumstances, than any other individual subject. He did not understand the invidious dignity he had been exalted to on this occasion, nor could he admit what the Hon. and learned Gentleman, who spoke last, had been pleased to lay so much stress upon, that any opinion delivered in that House by so humble and insignificant an individual as himself, or by any member of what rank and degree soever, ought to be made the ground of a proceeding of the House. But since the Right Hon. Gentleman was determined to make it a *personal question* between them, since he condescended to consider himself his rival, and chose to have recourse to his majority, why would he not try his opinion, and let the question be, "That it is the opinion of this Committee, that his Royal Highness the Prince of Wales, being Heir Apparent, and of full age and capacity, *has no more right to exercise the Royal Authority, during his Majesty's incapacity, than any other individual subject.*" The Right Hon. Gentleman well knew, he durst not venture to subject such a question to debate. He well knew, that with all his majorities, he could not risque it; he well knew, that if he could have so far lost sight of prudence, as to have hazarded such a question, notwithstanding his high character, and his known influence within those walls, there would not have been twenty members who would have supported him in it. In fact, he well knew, that the moment he let such an opinion escape his lips, it was execrated by all who had heard it, and that it had been since execrated by all who had heard of it out of doors. What had been the consequence of this? Conscious of his error, and conscious that so monstrous a doctrine as he had suffered himself, in an evil hour, to deliver, had revolted the public mind, the Right Hon. Gentleman had seized on the first moment that offered, to qualify what he had said, by unnecessarily coming forward with a declaration that, though he would not admit the Prince of Wales's *Right* to exercise the Sovereign Authority, during the incapacity of his father, yet he confessed, that on grounds of expediency, and as a matter of *discretion*, the person to hold the Regency ought to be the Prince of Wales, and no other; that it would be wrong to appoint any other person than the Heir Apparent to the Regency; but the House had certainly no idea of possessing a *Right*, which, if exercised, became *Wrong*. He had acknowledged, that the exercise of this *Right*, which he had insisted belonged to the two Houses of Parliament, would be a breach of duty to their constituents; yet he would

would not give up the Right, but vindicated its propriety, from his *discretion* in the use of it.

This mode of argument, Mr. Fox said, reminded him of what had passed in that House about thirteen years ago, between an eminent Crown lawyer, now the first law character in the kingdom (the Lord Chancellor) and himself. At the time to which he referred, the argument had been the Right of this country to tax America, when he had contended, "that Great Britain had an undoubted right to tax her American colonies, but that the exercise of that Right would be in the highest degree unjustifiable on the part of Great Britain." In answer to this, the great lawyer, with a quaintness peculiar to himself, had said, "I should be glad to know what that *Right* is, which, when attempted to be exercised, becomes a *Wrong*." In the present case, the Right Hon. Gentleman had acted upon the converse of the great lawyer's maxim; he had pronounced the *Right* a *Wrong*, and having done so, he had immediately proceeded to exercise it in the most effectual manner. It was (Mr. Fox maintained) the supreme legislature alone had power to do wrong. In one point of view, and, in one point of view only, could he imagine the existence of a *Right*, which, when exercised, might become a *Wrong*, and that was this: the three branches of the legislature, consisting of King, Lords, and Commons, had a right to authorize and act a *moral evil*. They might set aside the succession, and deprive the Prince of Wales of his Hereditary Right to succeed his present Majesty; but this enormity could not of right be practised by the two Houses of Parliament, independent of the consent of the Sovereign, any more than the Minister could set himself up in competition with the Prince of Wales, and contest with him as a claimant for the Regency. He repeated his opinion, that a Right attached to the Prince of Wales, as Heir Apparent, to exercise the Sovereign Authority, upon the King's incapacity being declared by the two Houses of Parliament; the Prince's Right, however, being all along considered as subject to the adjudication of the two Houses of Lords and Commons. This opinion he had not changed, nor did he feel the smallest disposition to change it, and indeed the Hon. and learned Gentleman who spoke last, seemed to be so much of his opinion, that he had, if he understood him rightly, expressly declared, that in case of the demise of the Crown, nothing short of an act of exclusion could prevent the Prince from succeeding to the Throne, and that even nothing short of such conduct as would deservedly warrant an act of exclusion, ought to set a Prince of Wales, of full age, and full capacity, aside from the Regency. The counter opinion to his was fraught with so many, and such enormous evils, that he was persuaded, no moderate man, who considered the subject with the degree of attention, that it most undoubtedly merited, would,

would, for a moment, maintain it, either on the ground of right, of discretion, or of expediency.

Whatever his opinion was, why should that right be discussed, which had been neither claimed, nor was intended to be claimed?

That this was the precise state of the fact, was not to be doubted, since the declaration that had been so graciously communicated from the highest authority in another place. Of the manner in which that communication had been made, and the commendation that was due to the exalted personage who made it, he would not say one word, because he would not run the risque of having what was due to merit, mistaken for fulsome adulation, and servile flattery. But the claim thus disavowed, how must the preamble of a bill run, truly to describe the case as it stood at present? "Whereas his Royal Highness the Prince of Wales has never claimed a Right to the Regency, it becomes necessary for the Lords Spiritual and Temporal, and for the Commons of England to declare, that his Royal Highness has no right, and we, therefore, do hereby declare, his Royal Highness Sole Regent of these kingdoms."

Mr. Fox reasoned on the absurdity of a bill so worded, and contended, that it must be so worded, unless they falsified the fact, and made a course of law the ground-work of the bill. He observed, that all this difficulty and embarrassment was created, when there was not the smallest occasion for it, since it was the concurrent opinion of all mankind, that the Prince of Wales should be the Regent; why then would the Right Hon. Gentleman thus agitate the matter, unless it were for the little purpose of personal triumph?

He condemned the boasting language that had been held on this occasion of gratitude to the Sovereign, and the strong assertions that had been made, that such gratitude should be exemplified by the conduct of those, who confessed themselves under personal obligations to the Sovereign. Personal attachment, he contended, was no fit ground for public conduct, and those who had declared they would take care of the rights of the Sovereign, because they had received favours at his hands, betrayed a little mind, and warranted a conclusion, that if they had not received those favours, they would have been less mindful of their duty, and have acted with less zeal for his interest, than if they had not been indebted to him for any favours. He owned himself indebted to the Heir Apparent, for having been for several years favoured with his confidence, but neither had that flattering mark of distinction been made the subject of his speeches in that House, nor had he ever considered it as a proper motive for his public conduct. He was, and always had been ready to avow his attachment; and, when he mentioned his regard for the Princes of the

the House of Brunswick. it was not to superinduce obliquely his own praise, in the confidence which they placed in him. That was a narrow principle, which he should ever hold in disdain. Neither on the present occasion, nor at any time, if he thought the objects of his Royal Highness incompatible with the public interests, should he think he paid a compliment to the Prince, any more than he should think, he acted consistently with what was due to his own character, in suffering the consideration of the terms on which he lived with his Royal Highness, to bias him in the smallest degree, or induce him to act contrary to what he, in his conscience, thought most likely to promote the welfare of the public. Whereas the Right Hon. Gentleman appeared to act upon a very opposite principle, and repeatedly introduced the name of the Sovereign, though seldom for any other purpose, than an ostentatious display of the confidence reposed in himself. He rarely mentioned the Royal Family, or the Royal Person, but it terminated in an ostentatious display of his own merits, in an indirect encomium on himself. To the House of Brunswick this country stood in an eminent degree indebted; indeed, few Princes ever deserved the love of their subjects more than the Princes of that House. Since their accession to the Throne, their government had been such, as to render it highly improbable, that there should ever be ground for an act of exclusion to pass, to set aside one of their heirs from the succession, or that such a circumstance should ever become a necessary subject of contemplation. If the Princes of the House of Brunswick had at any time differed with their subjects, it had been only on collateral points, which had been easily adjusted in Parliament. No one of the Princes of that House had ever made an attempt against the constitution of the country, although, had such a mischievous design been meditated, there had, at most times, been a party existing, that would have been ready to abet them in any scheme, the blackest and most fatal that ever tyrant devised against the liberties, or the happiness of his subjects. The love, therefore, of the people, was due to the illustrious family on the Throne, in so peculiar and eminent a degree, that every thing that looked, as if it could, at any distance, endanger the hereditary right of the House of Brunswick to the succession, ought to be guarded against with peculiar jealousy, and peculiar caution.

Exclusive of the concurrence of the public voice, not only the spirit of the constitution, pointed out the Heir Apparent as the fittest person to be Regent, but the Act of Settlement might be defeated, if his Royal Highness were passed by, and the doctrine of the Right Hon. Gentleman carried into effect. In adhering to the principles of the Act of Settlement, there could be no ill.

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If, as the Hon. and learned Gentleman had said, there should be a Prince of Wales, whose political principles were so depraved, that in opposition to his own natural interests, he should follow the example of Charles the First, and James the Second, either in the one instance, indicating a determination to become a tyrant, and destroy the liberties of his subjects, by subverting the constitution, or, in the other, should so connect himself with France, and the political enemies of his country, that every thing fatal was to be dreaded from his government; such a Prince of Wales ought to be excluded from the Regency, in like manner as he undoubtedly would be excluded from the Throne, on the natural demise of his father, or predecessor. But then the Bill of Exclusion to pass in such case, must be the work of the legislature complete, and not the act of the two branches of the legislature only.

Let the Committee consider the danger of making any other person Regent besides the Prince of Wales! If the two Houses could *choose* a Regent, they might choose whom they pleased; they might choose a foreigner, a catholic, (for the law defines not the Regent) who, while he held the power of the third estate, might prevail on the other two branches of the legislature to concur with him, alter, or set aside the succession, and turn away the House of Brunswick, and put them in the situation of the House of Stuart. He saw this doctrine was deemed extravagant, but he meant to put an extravagant case; he did not, however, put an impossible one; and he had the same right with numbers on the opposite side, who, in all their reasonings, argued the danger, or the inconvenience they apprehended, on *possibilities* only. Let them turn to the favourite period of our history, favourite at least with the other side of the House that day, the reign of Henry VI. and they would find that Richard, Duke of York, took advantage of his power as Protector of the kingdom, actually disinherited the Prince of Wales, and the whole line of Lancaster, though they were more nearly allied, and had much better pretensions to the Crown than the House of York.

The same dismal scene that had disgraced our annals, at that period, might be acted over again, if the two Houses of Parliament ever concurred to subvert the constitution, by assuming to themselves the exercise of the Royal Prerogative, and arrogating the right to legislate, and make law, in the teeth of the statute of the 13th of Charles the Second, which he had, on a former day, had occasion to mention, and which not only declared, that the two Houses of Parliament could not make laws without the consent and concurrence of the King, but also declared, that whoever should presume to affirm the contrary, should

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be guilty of high treason, and incur the pains and penalties of a *premunire*.

To make a law for the appointment of a Regent, he considered, as far as it went, as a conversion of the succession of the monarchy, from hereditary to elective; and what sort of a constitution that was, which had an elective monarchy, Poland, and the miserable condition of its subjects, sufficiently evinced. The right to make laws, rested only in the legislature complete, and not in the concurrence of any two branches of it. Upon that very principle was our constitution built, and on the preservation of it, did its existence depend. Were the case otherwise, the constitution might be easily destroyed, because, if the two branches could assume the power to make law, they might, in that law, change the genius of the third estate.

The present situation of affairs had, he said, been compared to the Revolution, but, in fact, it was no ways similar. The Throne had then been declared *vacant*, and the rest of the constitution remained; now the Throne was declared *full*, but its authority was suspended. At the period of the Revolution, the Convention that was then assembled, conscious that they could not make any change in the genius of the monarchy, until they had a head, first restored the third estate, and then defined its power. Whereas the Committee were called on to proceed in a different way, first to new-cast the office, and then to declare the officer.

He asked, what must be the situation of a Regent elected by that House? He must be *pageant*, a *puppet*, a creature of their own, *sine pondere corpus*, an insult and a mockery; an insult on every maxim of government! He defined the nature and character of the three estates. The constitution not only supposed each of its three branches to be independent of the other two, but actually hostile; and if that principle was once given up, there was an end to our political freedom.

Suppose that the Crown, and House of Lords, could make laws without the concurrence of the House of Commons, or the Crown and the Commons, independent of the Lords, or the two Houses of Parliament without the Crown. In either case, the constitution was gone. The safety of the whole depended on the jealousy of each of the other; not on the patriotism of any one branch of the legislature, but rather on the separate interests of the three, concurring through different views to one general good—the benefit of the community. This jealousy was reasonable, was well-founded; it was founded on a knowledge of the human mind, which was prone to the extension of its own power, and to the depression of a rival. All these principles and arrangements would be destroyed by the present project, which would

would radically alter the government, and, of consequence, overturn the constitution.

He explained the particular powers of the Crown to defend itself against any encroachment on the part of the Commons, or to resist any faction in the House of Lords. In the one case, by a dissolution, the King might repel the attempt on his prerogative, and by an increase of the Peerage, he might quell the other. He argued also on the power of giving either an *assent* or *dissent* from any bill, a power which operated equally against the single design of one, or the confederate union of both Houses, to trench on the constitutional rights of the Crown, and pointed out the disadvantage of subjecting the Sovereign to such difficulties, as it would be liable to encounter, were the power of dissolution, increase of Peerage, and right of giving the assent or dissent to bills taken away.

If there was to be a Monarch, he concluded, that the Monarchical Power ought to be entire, declaring, that the name and rank of a King, without the possession of regal powers, was a being that did not come within the reach of his conception. All the metaphysical suppositions of the law, which mentioned the Crown with so much sanctity and reserve, were certainly not intended to guard an empty name, but an essential substance. They were ready to allow, there were many political capacities in the King; but then, he could not exercise them. It surely was a great advantage, that he was possessed with faculties he was not to exert, with energies that he was not to put in motion. If it appeared to the House, that the Royal Prerogative ought to be circumscribed, let them invest a proper person with it, and then openly and manfully contend for the circumscription or diminution of its powers; but, to aim at an adversary incapable of resistance, was neither brave nor noble. In the way in which they proposed to treat it, it would stand a defenceless butt, exposed to the stroke of every weapon that might be levelled against it. An hereditary monarchy was justly looked upon as the happiest monarchical institution. We gloried in the circumstance of our government being free; we also thought ourselves fortunate, that the succession of the Crown was *hereditary*, and not *elective*.

He pointed out the danger of making the Regency elective, and of the two Houses setting aside the Hereditary Right to it, insisting that the possession of the Crown, and of the executive authority, must, in the nature of things, be governed by the same principles. In order to illustrate this, he put the case of a Polisher asking an Englishman whether the monarchy of Great Britain was *hereditary* or *elective*? Any man, familiar with the theory of the constitution, would naturally think, that the ready answer would be, that it was hereditary. But if the doctrine of that day prevailed, the answer must be, "I cannot tell; ask his

Majesty's physicians. When the King of England is in good health, the monarchy is *hereditary*; but when he is ill, and incapable of exercising the Sovereign Authority, it is *elective*."

The assertion, that the British monarchy was *elective*, was, however, so palpably hostile to the principles of the constitution, that it would not be tolerated for a moment.—How then was the difficulty to be surmounted?—A subtle and politic lawyer might be found, who would plausibly advance, that though it must be allowed, that the monarchy was *hereditary*, the Executive Power might be *elective*. Thus the Crown and its functions might be separated, as if they were in their nature distinct, whereas, the one was the essence, and the other the name.

He pursued his argument in an hypothetical dialogue between the Englishman and the Pole, with the occasional aid of the politic lawyer, to reconcile contradictions, and explain apparent impossibilities, very forcibly holding up to ridicule the argument of the gentlemen of the long robe, that the political, as well as the natural capacity of the King, remained whole and entire, although he was declared incapable of exercising his legal functions.

If the Crown was to have new functions, why there should be a King, was beyond his imagination to discover. The legal metaphysics which distinguished between the Crown and its functions, were to him unintelligible; they should be *Schoolmen*, and not *Statesmen*, fitter for colleges of disputation, than a British House of Commons, if a question that so deeply involved the existence of the constitution, were to be thus discussed. He asked, where was that famous *dictum* to be found, that declared the Crown to be guarded by such sanctity, and left its powers at the mercy of every assailant.

After exposing what he termed the absurdity of legal metaphysics, and calling upon the Gownsmen to shew him the *dictum* that supported the opposite assertion, viz. "*that the Prince of Wales had no more Right to exercise the Sovereign Authority during his Majesty's incapacity, than any other individual subject.*"

Mr. Fox proceeded to notice that part of the argument advanced against him, that he had deserted the cause which he had, heretofore, been supposed to claim the peculiar merit of standing forth, on all occasions, to defend; the privileges of the House of Commons, against the encroachments of the prerogatives of the Crown. He said, his own resistance of the latter, when it had been thought encreasing unconstitutionally, were well known; the influence of the Crown had been more than once checked in that House, and, he really believed, to the advantage of the people. Whenever the executive authority was urged beyond its reasonable extent, it ought to be resisted, and he carried his ideas on that head so far, that he had not scrupled to declare, that the supplies ought to be stopped, if the royal assent were refused

to a constitutional curtailment of any obnoxious and dangerous prerogative. Moderate men, he was aware, thought this a violent doctrine; but he had uniformly maintained it, and the public had derived advantage from its having been carried into effect. He desired to ask, however, if this were an occasion for exercising the constitutional power of resisting the prerogative, or influence of the Crown in that House? He had ever made it his pride to combat with the Crown in the plenitude of its power, and the fullness of its authority; he wished not to trample on its rights, while it lay extended at their feet, deprived of its functions, and incapable of resistance. Let the Right Hon. Gentleman pride himself on a victory obtained against a defenceless foe, let him boast of a triumph where no battle had been fought, where no glory could be obtained! Let him take advantage of the calamities of human nature, let him, like an unfeeling lord of the manor, riot in the riches to be acquired by plundering shipwrecks, by rigorously asserting a right to the waifs, estrays, deodands, and all the accumulated produce of the various accidents that misfortune could throw into his power. Let it not be my boast, (exclaimed the orator) to have gained such victories, obtained such triumphs, or advantaged myself of wealth so acquired.

After putting this, with peculiar force and animation, Mr. Fox recurred to the main argument, and declared, that all the labour of the Committee, appointed to search for precedents, had been fruitless, for that not one of the precedents applied. If they tended to prove any thing, it was to establish the Prince's Right; since, in all of them, the nearest relative to the Crown, if in the kingdom, had been appointed the Regent; especially a Prince of Wales. In the reign of Edward the Third, his son, commonly called the Black Prince, was declared Regent, at only thirteen years of age, during the invasion of France, by his father; and afterwards, during the absence of Edward and the Prince, his brother, Lionel, Duke of Clarence, was appointed. The Regencies, in the reign of Henry the Sixth, proved the right of the Prince of Wales the more fully, because, in that reign, the right of the Prince of Wales was recognized (although he was not a year old) in the very patent that appointed the Duke of York Protector.

Mr. Fox took notice of the remark made by an Hon. Gentleman in his speech (Mr. Baffard) that the Right Hon. Gentleman opposite to him, stood higher in the opinion of the public at present, than he did. He said, before any Gentleman took upon himself to advance such an opinion, he ought to be sure he was right in his assertion. He had every reason to believe the Hon. Gentleman was mistaken in what he said, having lately had an opportunity of meeting his constituents, and having then received the most unequivocal and flattering proofs of their kindness and confidence.

confidence. He agreed, however, most cordially with that Hon. Gentleman in every observation that he had made of the probable effects of the present motion, if persisted in, with regard to Ireland, and the creation of a difference between the two Houses of Parliament. With respect to Ireland, he said, if the two Houses of the British Parliament, named the Prince of Wales as Regent of Right, most probably the Parliament of Ireland would do the same—if they speculated, the Parliament of Ireland would also speculate. Decide wisely, and their decision would be held an example. Set the question of right afloat, and it was impossible to say to what extent it might be carried.

He once more questioned the necessity for the present proceeding, and urged the fallacy of pretending, that the opinion *he*, a private member of that House had delivered, and the opinion a noble and learned friend of his had delivered elsewhere, made it necessary. He reprobated the indecency of selecting the arguments of his noble and learned friend, and falsely applying them, merely for the purpose of placing them in a ridiculous point of view. The Right Hon. Gentleman must have known, that the arguments of his noble and learned friend were arguments, merely advanced to prove, that the Prince of Wales, as Prince of Wales and Heir Apparent, had Rights peculiar and distinct from those of ordinary subjects, and not with a view to prove his Right to exercise the Sovereign Authority. The manner, therefore, in which the Right Hon. Gentleman had answered those arguments, betrayed a narrowness of mind, that he had not imagined the Right Hon. Gentleman would have condescended to have acknowledged. Having dismissed this part of the subject, Mr. Fox desired to know the use of bringing forward a Question of Right, when the expediency of constituting the Prince of Wales Regent, was, on all hands, agreed to.

He charged the Chancellor of the Exchequer with a determination to legislate, without the power to do so effectually; which would alter the genius of the third estate, without any crime alleged against either the Sovereign, declared, for the present, incapable to exercise the Royal Authority, or the intended Regent. He said, if they could make whom they pleased Regent, they could appoint the Regent for a day, a month, or a year; turning the Monarchy into a Republic, as had been the case with Rome. And while the Right Hon. Gentleman denied, that the Prince of Wales had any more Right than he had, it would be a breach of duty to think of any other Regent; and all this for a paltry triumph of a vote over him, and to insult a Prince, whose favour, he was conscious, *he had not deserved*. Mr. Fox declared, that he was ready to admit, that the Right Hon. Gentleman's administration had been, in some respects, entitled to praise; he was ready to say what were the parts that most deserved commendation,

commendation, and as willing to give them his applause as any man could be. What he alluded to, were the measures adopted to detach Holland from its connexion with France. The whole conduct of that transaction, as well as its issue, was wise and vigorous, laudable and effectual; and he was happy to take that opportunity of delivering his sentiments upon it. Of other measures of the present administration, he certainly entertained a very different opinion. The Right Hon. Gentleman appeared to have been so long in the possession of power, that he could not endure to part with it; he had experienced the full favour of the Crown, and had the advantage of exerting all its prerogatives; and finding the operation of the whole, not too much for the successful carrying on of the government, he had determined to cripple his successors, and deprive them of the same advantages that he had enjoyed, and thus circumscribe their power to serve their country, as if he dreaded that they would shade his fame. Let the Right Hon. Gentleman for a moment suppose, that the business of detaching Holland from France, or any contingency of equal importance, remained to be executed; he must know, there would be no power in the country to seize the advantage, if the Right Hon. Gentleman's principles were right.

Mr. Fox forcibly called upon every honest member of that House, not to vote without perfectly understanding what the question went to, as well as the other resolutions. With regard to the Right Hon. Gentleman's motives, he knew not what they were, but if there was an ambitious man in that House, who designed to drive the empire into confusion, his conduct, he conceived, would have been exactly that, which the Right Hon. Gentleman had pursued.

Mr. Fox said, he considered the resolutions moved, as insidiously calculated to convey a censure on the opinion that *he* had delivered; while they served as an instrument of evasion of an assertion, highly revolting to the public mind, made by the Chancellor of the Exchequer. This he repeated as a pitiful shift, totally irreconcilable with the confidence which the Right Hon. Gentleman placed in the expectation of a majority. In majorities, he declared, he had no great trust. For more than eighteen years of his political life, had he been obliged to stem the torrent of political power, and sometimes he had enjoyed the satisfaction of finding himself in a majority of the same Parliament, of which, in the prosecution of the same principles, and the declaration of the same designs, he had only been supported by a minority before. Whether he was, therefore, in a majority or a minority, was the same thing to him. He would never insidiously, take advantage of the one to carry any measure, under the colour of another; any more, than to abandon or flinch from any question, merely because he thought he should be abandoned by the House.

At the same time, he gloried as much in the attachment of his friends, who honoured him with their support, as the Right Hon. Gentleman, or any other person could do.

The Chancellor of the Exchequer rose, and in reply to Mr. Fox's speech, said, That the Right Hon. Gentleman had thought proper, particularly in the latter part of his speech, to digress from the question before the House, the question of *Right*; in order to enter into the question of *Expediency*: and that, not so much for the purpose of discussing that expediency, as to take an opportunity of introducing an attack, of a personal nature, on him. The House would recollect, whether the manner in which he (Mr. Pitt) had opened the debate, either provoked or justified this animosity. The attack which the Right Hon. Gentleman had just now made, he declared, to be *unfounded, arrogant, and presumptuous*. The Right Hon. Gentleman had charged him as acting from a mischievous spirit of ambition, unable to bear the idea of parting with power, which he had so long retained; and not expecting the favour of the Prince, which he was conscious he had not deserved, was therefore disposed to obstruct the credit of those who were to be his successors. Whether to him belonged that character of mischievous ambition, which would sacrifice the principles of the Constitution to a desire of power, he must leave to the House and the Country to determine. They would also judge, whether, in the whole of his conduct, during this unfortunate crisis, any consideration which affected his own personal situation, or any management, for the sake of preserving power, appeared to have had the chief share in deciding the measure he had proposed.

As to his being conscious that he did not *deserve* the favour of the Prince, he could only say, that he knew but one way, in which he, or any man, could deserve it; by having uniformly endeavoured, in a public situation, to do his duty to the King his father, and to the Country at large. That if, in having thus endeavoured to deserve the confidence of the Prince, it should, in fact, appear that he had lost it; however painful and mortifying that circumstance might be to him, and from whatever cause it might proceed, he might indeed regret it; but he would boldly say, that it was impossible he should repent it. A Regent with temporary powers, he contended, stood in need of every constitutional advice, that the wisdom of the Legislature should think expedient to administer.

Mr. Pitt then proceeded to remark, on the Right Hon. Gentleman having announced himself and his friends to be the successors of the present Administration. He did not know on what authority the Right Hon. Gentleman made this declaration; but he thought, with a view to those questions of expediency, which the Right Hon. Gentleman had introduced, both
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the House and the Country were indebted to him, for that reasonable warning of what they would have to expect. The nation had already had experience of that Right Hon. Gentleman and his principles. It was not forgot, that in a late ambitious exertion of those principles, he aimed at dictating to the executive officers of the Crown, and attempted to wrest from their authority, those guards, which that branch of the Legislature had wisely provided. Without meaning to use terms of reproach, or to enter into any imputation as to his motives, it could not be denied, that they had openly and professedly acted on the ground of availing themselves of the strength of a party, to *nominate* the Minister of the Crown. That they maintained it as a fundamental principle, that a Minister ought, at all times, to be nominated. He would, therefore, speak plainly. If persons who professed these principles were, in reality, likely to be *the advisers of the Prince*, in the exercise of those powers, which were necessary to be given during the present unfortunate interval; it was the strongest additional reason, if any were wanting, for being careful to consider, what the extent of those powers ought to be. That it was impossible not to suppose, that, by such advisers, those powers would be perverted to a purpose, which, indeed, it was impossible to imagine, that the Prince of Wales could, if he was aware of it, ever endure for a moment; but to which, by artifice and misrepresentation, he would unintentionally be made accessory, for the purpose of creating a permanent weight and influence in the hands of a party, which would be dangerous to the just Rights of the Crown, when the moment should arrive (so much wished, and perhaps so soon to be expected) of his Majesty being able to resume the exercise of his own authority. The notice, therefore, which the Hon. Gentleman, in his triumph, had condescended to give the House, furnished the most irresistible reason for them, deliberately to consider; lest in providing the means for carrying on the administration, during a short and temporary interval, they might sacrifice the permanent interest of the country, in future; by laying the foundation of such measures, as might for ever, afterwards, during the continuance of his Majesty's reign, obstruct the just and salutary exercise of the constitutional powers of Government, in the hands of its rightful possessor, the Sovereign, whom they all revered and loved.

The Chancellor of the Exchequer then proceeded to state, what appeared to be the result of the debate. The noble Lord in the blue ribband, he said, as most gentlemen, who had spoken on that side of the House, had argued, not against the truth of the Resolutions, but the propriety of coming to them, and had waved any dispute on the Question of Right. The Right Hon. Gentleman, though he affected also to object to the propriety of

coming to this Resolution, had directed his whole argument (as far as it went) to combat the truth of the proposition, and to maintain his former assertion, as to the existing Right of the Prince of Wales. That this line of argument, supported by such authority, was itself an answer to those, who doubted the propriety of any Resolution. With regard to the particulars of Mr. Fox's argument, he observed, on the manner in which he (Mr. Fox) supposed him to have declined maintaining his former assertion, "That the Prince of Wales had no more Right to the Regency, than any other subject in the country," and had added, that he did so, from believing, that not twenty persons would join in supporting the proposition. The Chancellor of the Exchequer said, that he did not retract one word of that assertion.

Gentlemen might quarrel with the phrase, if they thought proper, and might misrepresent it, as the Right Hon. Gentleman had done, in order to cover the arguments used by a noble Lord in another place. But he was in the recollection of the House, whether, when he first used the expression, he had not guarded it, as meaning to speak *strictly of a claim of Right*, not of any reasons of preference on the grounds of discretion or expediency. He was also in their recollection, whether the Right, he spoke of, was any other than the *specific Right in question*, namely, the *Right to exercise the Royal Authority under the present circumstances*. He had maintained, that the Prince *had no such Right*. If the Prince had not the Right at all, he could not be said to have any more Right than any other subject in the country. But was it any answer to the assertion, that, *as Prince of Wales, he had no Right to the Regency*; to say that he had other rights different from the rest of the King's subjects, but which had nothing to do with the Regency? Yet all the Rights of the Prince of Wales, which had been mentioned by the noble Lord alluded to, were of this description. It would be just as reasonable, if the question were, whether any person had a right to a particular estate in Kent or Surry? to argue, Yes, he has, for he has such and such an estate in Yorkshire and in Cornwall. With regard to the question, whether twenty persons did or did not agree in his denial of the Right of the Prince of Wales, he would put the whole on that issue, that if the Prince of Wales had any such Right, the Resolution, he had moved, could not be true; and he considered every person, who differed from his assertion on that subject, as bound to vote against the present motion. He then observed, that Mr. Fox, in discussing the Question of Right, had gone on to observe, that the Right of the two Houses, and the Right of the Prince of Wales, were to be considered as two *rival Rights*, and that the only question was, in favour of which, the arguments preponderated.

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The Chancellor of the Exchequer observed, that he should be perfectly ready to meet the question on this issue, if it were the true one; for that the Right of the two Houses was clearly supported by precedent and usage in every similar case, by express declarations of Parliament, and by positive authority of law; but the Right of the Prince of Wales was not even attempted to be supported on any of those grounds, but on pretended reasons of expediency, founded on imaginary and extravagant cases. That, however, in fact, this was not the fair issue of the argument. The Right of the Prince of Wales was not to be considered as a rival Right, to be argued on the same grounds as the other. It was a Right which could not exist, unless it was capable of being *expressly* and *positively* proved; whereas the Right of Parliament was that which had existed of *course*, unless some other Right could be proved to exclude it. It was that, which, on the principle of this free Constitution, must always exist, in every case, where no positive provision had been made by law, and where the necessity of the case, and the safety of the country, called for their interposition. That the *absence* of any other Right was, in itself, enough to constitute the Right of the two Houses; and that the bare admission, that the Right of the Prince of Wales was not clearly and expressly proved, was, in fact, an admission of every thing then in debate.

Mr. Fox rose again, to deny that he had *insinuated* that he was to have a share in the new government. As there were appearances of a probable change of men and measures, there was, he admitted, a *probability* of his having a share in the executive government of the country; but he had never taken upon him to affirm it as a positive fact. He might, however, venture an assertion, that if the Right Hon. Gentleman was not certain of a change, if he had been assured of the contrary, there would have been *no limitation* to the power of the Regent. He cautioned the House against a misrepresentation of the question. He said, that they were going to be *entrapped* into a *decision* of an *abstract nature*, which might afterwards prove dangerous to the constitution. In the present state of the business, he wished as much as possible to avoid all speculative allusion, as to the nature and extent of those restrictions, which the wisdom of the Legislature should think proper to adopt; but the discretion of Parliament, he conceived, would not overlook the necessity of restraining the Regent from altering the right of succession to the crown.

The Lord Advocate of Scotland said, that he did not see how the general Question of Right could be waved, unless both Houses were ready to declare, that the Prince of Wales should not only be Regent, but invested with all the royal powers without limitation or distinction; for if a limitation of any kind was

to be the subject of debate, it did not seem possible to avoid a previous discussion of the Right. As to the question itself, he hoped it would be considered, that they were not met to deliberate upon a settlement of the kingdom of England alone; he thought it necessary to enquire into the constitution of England and of Scotland, separately, before the Union, and of Great Britain since. He had heard it very confidently affirmed, that were the supposed inherent Right of the Heir Apparent to exercise the royal powers, upon such occasions as the present, to be disallowed, the consequence would be a virtual dissolution of the Union; the rule being fixed in Scotland, in favour of such hereditary and legal claim of Right; but he would take the liberty of asserting, with equal confidence, that the proposition had no real foundation. It was true, that by the law of that country, the right of *private* guardianship did, in certain circumstances, attach upon the nearest male kinsman by the father's side, aged twenty-five; and in the earlier periods of the Scottish monarchy, little distinction seemed to be made between the situation of a private guardian, and that of the person who acted for the king in his nonage, inasmuch that some law authorities of great respectability had laid it down, that the powers of a Regent were merely *tutorial*, and it had been determined by the Parliament of Scotland, in the reign of James the First, that the Duke of Albany, when Regent, could neither restore a person forfeited for treason, nor grant lands which had fallen to the crown by bastardy. It was well known, that the powers of a private guardian were of the most confined nature, as going no further than the exigency of the case required, and merely for the purpose of ordinary management. But he thought it wrong to compare that case with the government of a kingdom, where powers of a very different nature were necessary to be given. As to the appointment of a Regent, whatever his powers might be, the same had always been made in Scotland, as in England, under the sanction and authority of the states of the kingdom, either previously given, or afterwards interposed, and sometimes the next heir of the crown had been chosen, sometimes not; sometimes one Regent, at other times more than one. Many of the kings of Scotland having fallen in battle, and some by the hands of their subjects, when the power of the aristocracy was too great; there had been more infant successors, and more regencies in Scotland, than in most other countries; and the states of the kingdom had repeatedly shewn, that they did not consider any individual whatever, as having a fixed legal right to that office. When the Maid of Norway succeeded her grandfather Alexander the Third, six regents were appointed. In the infancy of James the Second of Scotland, there was a regency of three. In that of James the Third, a Regency of seven. In that of James the Sixth, the Duke

Duke of Chatelrault, next presumptive heir of the crown, claimed the office upon that ground; but his claim was disallowed, and first the Earl of Murray was appointed, afterwards others; none of whom were in the succession to the crown. It was of more consequence, however, to consider how that matter had been understood by the legislature of Great Britain since the Union; and surely it was impossible to read the provisional acts of 24 Geo. II. and 5 Geo. III. without seeing clearly, that no *right* of administration was then supposed to attach upon any individual. As to the idea of a *civil demise*, it was totally inapplicable to such a case as the present. A person was held to be civilly dead, when he had lost the rights of a citizen, as in the case of attainder; but was it ever thought that an *infant* was civilly dead? It would be a little hard, when he was but just born. An infant could hold property, could acquire, and had every civil right entire. A person incapable from infirmity to manage his own affairs, was exactly in the same state. He could not therefore have a successor while he was alive, and in the full possession of his rights. In a word, the Lord Advocate contended, that neither the Prince of Wales, nor any other individual, had a legal right in this case to be Regent; though in point of fitness and propriety, he supposed not a man in the kingdom would think of any other than his Royal Highness.

Mr. Milne (the member for York) reprobated the conduct of Mr. Fox and his adherents, declaring, that it amounted to an abandonment of those constitutional principles, hitherto the theme of universal admiration, by sacrificing the rights of the two Houses of Parliament to the claims of an individual. From the sort of argument that they had adopted and maintained, on this great and truly important occasion, if they did soon come into power, as the Right Hon. Gentleman had that day given the Committee to expect; instead of a Whig administration, and a mild government, which it had been their practice to hold out, as what would be their true character and conduct when in office, the country had every reason to dread the most arbitrary and oppressive system of measures that had ever disgraced ministers, and harassed the subject in the worst periods of our history.

The *Solicitor General* rose. He said, no man could vote on the present question without considering his allegiance to the Sovereign. He said, they were all agreed that his Royal Highness should be Regent, but differed in opinion as to the right. He corroborated Mr. Pitt's argument, by affirming, that with regard to his Royal Highness's right, it was no more than that of any other individual—that it was a gift of expediency, granted him by Parliament—that as we had at present a King, although unfortunately incapable of exercising the royal authority, the

Prince

Prince himself was only a subject—that his Majesty's indisposition was of a temporary nature, which perhaps would not longer preclude him from exercising his authority, than a fever might preclude his successor, about whose rights they were then contending. [*Here he was called to order.*] The King, who acceded to the throne in 1761, is still on the throne in this year 1788; therefore a law in any court acknowledging his supremacy, although gentlemen might call such a mode of reasoning metaphysical, entailed on transgressors at present, the effects and penalties of that law. With regard to what had been advanced by the Right Hon. Gentleman, that the physicians had declared his Majesty incapable, he thought the argument absurd, as in the *eye of the law*, we cannot believe the King's physicians. It was his opinion, that the Prince of Wales should be fully invested with every authority requisite for managing the public business with energy and effect, but recollecting there was still a King, he thought that the powers of a Regent ought to be circumscribed.

Sir W. Moleworth regretted, that the subject should have been so much enlarged on.—As a friend to his country he recommended such measures as would produce unanimity. If there was any right on the part of the Prince, it had never been urged; if the House had a right, there was no necessity for declaring it, and if they had no right, he did not see that entering a resolution on their journals, in their present circumstances, could give them any. It was completely against the *wishes of the royal family*, that it should be agitated in either House; therefore the less altercation that occurred, the more regard would be paid to the refined feelings of the illustrious personages alluded to.

Mr. Drake solicited the attention of the House, though he was conscious he did not merit it. The Minister had his suffrage; and for the glory, honour, prosperity, and splendor of the empire, he professed his attachment to the Right Honourable Magnanimous Chancellor of the Exchequer; who, although of him he knew but little, he assured the House Mr. Pitt knew of him less.

At half past two in the morning, the House was in a universal clamour for the division.

Against the motion of Lord North, for the chairman leaving the chair,

The numbers were,	268
For it - - -	204

Majority for the Minister	64
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The original propositions were then carried without a division.

Adjourned to Thursday.

T H E

THE Importance of the Question, which was the Subject of the preceding Debate, and the various Sentiments which are entertained respecting the Propriety or Impropriety of the Motion of the Chancellor of the Exchequer, which gave Rise to it, affords Reason to suppose, that the following List of the Members, who voted on each Side, cannot but be acceptable to the Reader.

A CORRECT LIST OF THE SEVERAL MEMBERS, WITH THE PLACES THEY REPRESENT, WHO SUPPORTED OR NEGATIVED MR. PITT'S MOTION, BY VOTING FOR OR AGAINST THE PREVIOUS QUESTION MOVED BY LORD NORTH.

London, ALDERMAN WATSON, in the Chair.

AGAINST the Previous Question. | FOR the Previous Question.

	<i>Abingdon.</i>	E. L. Loveden, Esq;
	<i>Agmondesham.</i>	
William Drake, Jun. Esq;		
	<i>St. Alban's.</i>	
William Grimston, Esq;		William Charles Sloper, Esq;
	<i>Aldborough, Suffolk.</i>	
		P. C. Crespigny, Esq;
		Samuel Salt, Esq;
	<i>Aldborough, Yorkshire.</i>	
Sir Richard Pepper Arden		
J. Galley Knight, Esq;		
	<i>Andover.</i>	
William Fellowes, Esq;		
Benjamin Lethieullier, Esq;		
	<i>Anglesea.</i>	
Nicholas Bayley, Esq;		
	<i>Appleby.</i>	
Hon. J. L. Gower		
	<i>Arundel.</i>	
		Thomas Fitzherbert, Esq;
		Richard Beckford, Esq;
	<i>Askeburton.</i>	
Robert Mackreth, Esq;		
	<i>Aylesbury.</i>	
Sir Thomas Hallifax		William Wrightson, Esq;
	<i>Barnstable.</i>	
William Devaynes, Esq;		John Cleveland, Esq;
	<i>Bath.</i>	
Lord Viscount Bayham		Abel Moysey, Esq;
	<i>Beaumaris.</i>	
Sir Hugh Williams, Bart.		
	<i>Bedfordshire.</i>	
		Earl of Upper Ossory
		Hon. St. Andrew St. John

AGAINST the Previous Question.	FOR the Previous Question.
Samuel Whitbread, Esq;	<i>Bedford.</i> —William Colhoun, Esq;
Marquis of Graham	<i>Bedwin.</i>
Lieutenant-Colonel Manniers	<i>Beralston.</i> Lord Viscount Fielding
George Vanfittart, Esq;	<i>Berkshire.</i>
Henry James Pyc, Esq;	<i>Berwick.</i> Hon. General Vaughan Sir Gilbert Elliot, Bart.
Sir James Pennyman, Bart.	<i>Beverly.</i>
Lord Westcote	<i>Bewdley.</i> <i>Bishop's Castle.</i> William Clive, Esq; Henry Strachey, Esq;
Sir Richard Sutton, Bart.	<i>Blebbingly.</i> John Kenrick, Esq; Sir Robert Clayton, Bart.
Matthew Montagu, Esq;	<i>Bodmyn.</i> Sir Thomas Morfehead, Bart. Thomas Hunt, Esq;
Hon. Charles Stuart	<i>Boroughbridge.</i> Viscount Palmerston
Col. Egerton	<i>Bossiney.</i>
Timothy Caswall, Esq;	<i>Boston.</i> Sir Peter Burrel
Sir H. G. Calthorpe, Bart.	<i>Brackley.</i>
Major Hobart	<i>Bramber.</i>
J. H. Browne, Esq;	<i>Breconshire.</i> Sir Charles Gould
Sir Alexander Hood, K. B.	<i>Brecon.</i> Charles Gould, Esq;
Robert Thornton, Esq;	<i>Bridgenorth.</i> Thomas Whitmore, Esq;
Matthew Brickdale, Esq;	<i>Bridgewater.</i> <i>Bridport.</i> Thomas Scott, Esq; Charles Sturt, Esq;
	<i>Bristol.</i>

AGAINST the Previous Question.

FOR the Previous Question.

Buckinghamshire.

Rt. Hon. W. W. Grenville

Buckingham.

Edmund Nugent, Esq;

Callington.

John Call, Esq;

Calne.

Joseph Jekyll, Esq;

Cambridgeshire.

Philip Yorke, Esq;

Cambridge University.

Right Hon. William Pitt

Earl of Euston

Cambridge, Town of

Francis Dickens, Esq;

Camelford.

| James Macpherson, Esq;

| Sir Samuel Hannay, Bart.

Canterbury.

George Gipps, Esq;

Charles Robinson, Esq;

Cardiff.

| Sir Herbert Mackworth, Bart.

Cardiganshire.

| Earl of Lisburne

Cardigan.

| John Campbell, Esq;

Carlisle.

John Christian, Esq;

| Rowland Stephenson, Esq;

Caermarthen.

| John G. Phillips, Esq;

Castle-Rising.

Walter Sneyd, Esq;

Charles Boone, Esq;

Cheshire.

Sir R. S. Cotton, Bart.

| John Crewe, Esq;

Chester.

Thomas Grosvenor, Esq;

R. W. Bootle, Esq;

Christchurch.

| Sir John Frederick, Bart.

| Hans Sloane, Esq;

Chichester.

George W. Thomas, Esq;

Chippingham.

George Fludyer, Esq;

| James Dawkins, Esq;

Cirencester.

Lord Appley

Richard Maffer, Esq;

Clitheroe.

| Thomas Lister, Esq;

| John Lee, Esq;

AGAINST the Previous Question.

FOR the Previous Questions.

	<i>Cockermouth.</i>
	J. Clarke Satterthwaite, Esq;
	Humphrey Stenhouse, Esq;
	<i>Colchester.</i>
	Sir Robert Smyth, Bart.
	<i>Corff Castle.</i>
	<i>Cornwall.</i>
	Sir Wm. Moleworth, Bart.
	<i>Coventry.</i>
	<i>Cricklade.</i>
	John Walker Heneage, Esq;
	<i>Cumberland.</i>
	Sir Henry Fletcher, Bart.
	William Lowther, Esq;
	<i>Dartmouth.</i>
	<i>Denbighshire.</i>
	Sir Watkin W. Wynn, Bart.
	<i>Denbigh.</i>
	Richard Myddleton, Esq;
	<i>Derbysire.</i>
	Lord George Cavendish
	Edward M. Mundo, Esq;
	<i>Derby.</i>
	Lord G. A. H. Cavendish
	Edward Coke, Esq;
	<i>Devonshire.</i>
	John Pol. Bastard, Esq;
	<i>Dorsetshire.</i>
	<i>Dorchester.</i>
	Hon. George Damer
	William Ewer, Esq;
	<i>Dover.</i>
	<i>Downton.</i>
	Hon. W. S. Conway
	<i>Droitwich.</i>
	Hon. Andrew Foley
	Edward Winnington, Esq;
	<i>Dunwich.</i>
	Sir G. W. Vanneck, Bart.
	<i>Durham, County of,</i>
	Sir John Eden, Bart.
	<i>Durham.</i>
	John Tempest, Esq;
	Wm. Henry Lambton, Esq;
John Bond, jun. Esq;	
Henry Banks, Esq;	
Sir William Lemon, Bart.	
Sir Sampson Gideon, Bart.	
John Wilmot, Esq;	
Robert Nicholas, Esq;	
Richard Hopkins, Esq;	
John Rolle, Esq;	
Francis John Browne, Esq;	
Robert Preston, Esq;	
Robert Shaftoe, Esq;	
Barne Barne, Esq;	

AGAINST the Previous Question.

FOR the Previous Question.

*East Loos.*Alexander Irvine, Esq;
Lord Viscount Belgrave*St. Edmund's Bury.*

Lord Charles Fitzroy

Sir Charles Davers, Bart.

Essex.

Thomas B. Bramston, Esq;

Evesham.

Sir John Rushout, Bart.

Charles W. B. Rouse, Esq;

Exeter.

John Baring, Esq;

Sir C. W. Bampfylde, Bart.

Epy.

General Phillipson

Major General Bathurst

Flintshire.

Sir Roger Mostyn, Bart.

Flint.

Major W. Williams

Forwey.

Philip Rashleigh, Esq;

Hon. Richard Edgcombe

Gatton.

James Fraser, Esq;

St. Germain's.

John James Hamilton, Esq;

Samuel Smith, Esq;

Glamorganshire.

Charles Edwin, Esq;

Gloucestershire.

Hon. Capt. Berkley

Thomas Maister, Esq;

Gloucester.

John Webb, Esq;

Grampound.

Francis Baring, Esq;

Grantham.

George Sutton, Esq;

East Grimsby.

John Harrison, Esq;

Dudley Long, Esq;

East Grinstead.

George Medley, Esq;

Guildford.

Hon. Thomas Onslow

Hon. General Norton

Hampshire.

Robert Thistlethwaite, Esq;

Jervoise Clarke Jervoise, Esq;

Harwich.

John Robinson, Esq;

Haslemere.

John B. Garforth, Esq;

John Lowther, Esq;

K

AGAINST the Previous Question.	FOR the Previous Question.
John Stanley, Esq; John Dawes, Esq;	<i>Hastings.</i>
	<i>Helfton.</i>
James B. Burgess, Esq;	Roger Wilbraham, Esq;
	<i>Herefordshire.</i>
Right Hon. Thomas Harley	Sir Geo. Cornwall, Bart.
	<i>Hereford.</i>
	John Scudamore, Esq;
	James Walwyn, Esq;
	<i>Hertfordshire.</i>
Lord Visc. Grimston	William Plumer, Esq;
	<i>Hertford.</i>
Baron Dimdale John Calvert, Esq;	
	<i>Heydon.</i>
Lionel Darell, Esq;	<i>Heytesbury.</i>
	W. P. A'Court, Esq;
	<i>Higham Ferrers.</i>
	Right Hon. F. Montagu
	<i>Higbworth.</i>
Sir C. F. Ratcliffe, Bart.	Will. Evelyn, Esq;
	<i>Hindon.</i>
Will. Egerton, Esq;	
	<i>Honiton.</i>
Rt. Hon. Sir G. Yonge, K. B.	Sir Geo. Collier
	<i>Horsham.</i>
Jer. Crutchley, Esq; Phil. Metcalfe, Esq;	
	<i>Huntingdonshire.</i>
Lord Visc. Hinchinbroke	Earl Ludlow
	<i>Huntingdon.</i>
	Sir Walter Rawlinson
	John Willett Payne, Esq;
	<i>Ilchester.</i>
Benj. Bond Hopkins, Esq; Geo. Sumner, Esq;	
	<i>Ipswich.</i>
Charles Alex. Crickett, Esq;	William Middleton, Esq;
	<i>St. Ives.</i>
Will. Praed, Esq;	
	<i>Kent.</i>
Hon. Charles Marham	Filmer Honeywood, Esq;
	<i>King's Lynn.</i>
	Hon. Horatio Walpole
	<i>Kingston-upon-Hull.</i>
Sam. Thornton, Esq; W. Spencer Stanhope, Esq;	
	<i>Knareborough.</i>
	Lord Visc. Duncannon

AGAINST the Previous Question.

FOR the Previous Question.

John Blackburne, Esq;	Lancashire.	Thomas Stanley, Esq;
	Lancaster,	Sir Geo. Warren, K. B.
		Ab. Rawlinson, Esq;
Lord Arden	Launceston.	Sir John Swinburne, Bart.
John Peach Hungerford, Esq;	Leicestershire.	
Will. Pochin, Esq;		
Colonel Macnamara	Leicester.	
Charles Lor. Smith, Esq;		
John Hunter, Esq;	Leominster.	
Penn A. Curzon, Esq;		
Hon. Edward James Elliot	Leicester.	
Hon. John Eliot		
John Thomas Ellis, Esq;	Leicester.	
Thomas Kempe, Esq;	Leicester.	
	Leicester.	
John F. Cawthorne, Esq;	Leicester.	
	Leicester.	
Bamber Gascoyne, Esq;	Leicester.	
Sir Watkin Lewes	Leicester.	
	Leicester.	
Geo. Aug. Selwyn, Esq;	Leicester.	
Nath. W. Wraxall, Esq;	Leicester.	
Hon. Thomas Fane	Leicester.	
Hon. Henry Fane	Leicester.	
Robert Colt, Esq;	Leicester.	
George Rose, Esq;	Leicester.	
Matthew Bloxam, Esq;	Leicester.	
John Strutt, Esq;	Leicester.	

AGAINST the Previous Question.	FOR the Previous Question.
	<i>Malmesbury.</i>
	Lord Viscount Melbourne
	Lord Viscount Maitland
	<i>Malton.</i>
	Right Hon. Edmund Burke
	William Weddell, Esq;
	<i>Marlborough.</i>
Earl of Courtown	
Sir Philip Hales, Bart.	
	<i>Marlow.</i>
Sir Thomas Rich, Bart.	William Clayton, Esq;
	<i>St. Marves.</i>
Hugh Boscaven, Esq;	
William Young, Esq;	
	<i>St. Michael.</i>
Christopher Hawkins, Esq;	David Howell, Esq;
	<i>Midhurst.</i>
Henry Drummond, Esq;	Edward Cotsford, Esq;
	<i>Middlesex.</i>
William Mainwaring, Esq;	
	<i>Milbourne Port.</i>
Lord Muncafter	Colonel W. Popham
	<i>Minehead.</i>
Robert Wood, Esq;	
	<i>Monmouthshire.</i>
Major General Rooke	John Morgan, Esq;
	<i>Monmouth.</i>
Marquis of Worcester	
	<i>Montgomeryshire.</i>
	William Mostyn Owen, Esq;
	<i>Montgomery.</i>
	Whitshed Keene, Esq;
	<i>Morpeth.</i>
	Peter Delme, Esq;
	Sir James Erskine, Bart.
	<i>Newark</i>
Lieut. Col. John Sutton	
Lord Mulgrave	
	<i>Newcastle-under Lyne.</i>
Sir Arch. Macdonald	
Richard Vernon, Esq;	
	<i>Newcastle upon-Tyne.</i>
Charles Brandling, Esq;	Sir Matt. W. Ridley, Bart.
	<i>Newport, Cornwall.</i>
	Sir John Miller, Bart.
	<i>Newport, Hants.</i>
Hon. John Townshend	Edward Rushworth, Esq;
	<i>Newton, Lancashire.</i>
Thomas Brooke, Esq;	Thomas P. Leigh, Esq;
	<i>Newton, Hants.</i>
John Barrington, Esq;	
Mark Gregory, Esq;	

AGAINST the Previous Question.

FOR the Previous Question.

Sir John Wodehouse, Bart.

Norfolk.

Sir Edward Aftley, Bart.

Northallerton.

Henry Peirse, Esq;
Edwin Lafcelles, Esq;

Northamptonshire.

Sir James Langham, Bart.

Thomas Powys, Esq;

Northumberland.

Sir William Middleton, Bart.

Charles Grey, Esq;

Norwich.

Hon. Henry Hobart

Rt. Hon. W. Wyndham

Nottinghamshire.

Lord E. B. Cav. Bentinck

C. Meadows Pierpoint, Esq;

Robert Smith, Esq;

Nottingham.

Dan. P. Coke, Esq;

Humph. Minchin, Esq;

Oakhampton.

Lord Visc. Malden

Orford.

Hon. G. Seym. Conway

Oxfordshire.

Lord Charles Spencer

Oxford.

Lord Robert Spencer

Hon. Peregr. Bertie

Oxford University.

Sir William Dolben, Bart.

Francis Page, Esq;

Pembroke.

Hugh Owen, Esq;

Penrhyn.

Sir John St. Aubyn, Bart.

Peterborough.

Richard Benyon, Esq;

Hon. Lionel Damer

Petersfield.

Lord Viscount Downe

William Jolliffe, Esq;

Plymouth.

John Macbride, Esq;

Plympton.

Robert Fanshaw, Esq;

John Stephenson, Esq;

John Pardoe, jun. Esq;

John Smyth, Esq;

William Sotheron, Esq;

Pontefract.

Poole.

Mich. A. Taylor, Esq;

Portsmouth.

Sir Harry Featherstone, Bart.

Preston.

Sir Henry Houghton, Bart.

Right Hon. Gen. Bargoynne

AGAINST the Previous Question.

FOR the Previous Question.

George Bowyer, Esq;
John Aldridge, Esq;

Queenborough.

Thomas Johnes, Esq;

Radnorshire.

Francis Annesly, Esq;
Richard A. Neville, Esq;

Reading.

Earl of Lincoln

East Retford.

Warton Amcotts, Esq;

Richmond.

Earl of Inchiquin
Sir Grey Cooper, Bart.

Rippon.

William Lawrence, Esq;

Rocheſter.

Sir Charles Middleton, Bart.

New Romney.

John Hennister, Esq;
Rich. Joseph Sullivan, Esq;

Rutlandſhire.

George B. Brudenell, Esq;

Rye.

Gerard Noel Edwards, Esq;

Rt. Hon. C.W. Cornwall, *Speaker* | William Dickenſon, Esq;

Rygate.

William Bellingham, Esq;
Reginald Pole Carew, Esq;

Salop.

John Kynaſton, Esq;

Saltaſh.

Major Lemon

Sandwich.

Philip Stephens, Esq;
Charles Brett, Esq;

New Sarum.

Hon. W. H. Bouverie

William Huſſey, Esq;

Old Sarum.

Right Hon. J. C. Villiers
George Hardinge, Esq;

Scarborough.

Earl of Tyrconnell
George Oſbaldeſton, Esq;

Seaſord.

Sir Godfrey Webſter

Shaſtebury.

Hans W. Mortimer, Esq;
John Drummond, Esq;

Shoreham.

John Peachey, Esq;

Shrewſbury.

John Hill, Esq;

AGAINST the Previous Question.	FOR the Previous Question.
Edward Phelips, Esq;	<i>Somersetshire.</i>
John Fleming Esq;	<i>Southampton.</i>
James Amyatt, Esq;	<i>Southwark.</i>
Henry Thornton, Esq;	<i>Staffordshire.</i>
Paul Le Mesurier, Esq;	<i>Stafford.</i>
Earl Gower	Hon. Edward Monckton
Sir Edward Littleton, Bart.	R. B. Sheridan, Esq;
	<i>Stamford.</i>
Sir Geo. Howard, Bart.	<i>Steyning.</i>
Henry Cecil, Esq;	<i>Stockbridge.</i>
Hon. Richard Howard	T. Boothby Parkyns, Esq;
James Gordon, jun. Esq;	<i>Sudbury.</i>
William Smith, Esq;	<i>Suffolk.</i>
John Langton, Esq;	<i>Surry.</i>
Sir John Rous, Bart.	Hon. William Norton
Jos. Grigby, Esq;	<i>Suffex.</i>
Sir Joseph Mawbey, Bart.	Hon. Thomas Pelham
Lord George Lenox	<i>Tamworth.</i>
John Calvert, jun. Esq;	John Courtenay, Esq;
	<i>Tavistock.</i>
	Right Hon. R. Fitzpatrick
	Lord John Russell
Alexander Popham, Esq;	<i>Taunton.</i>
Sir Benjamin Hammett	<i>Thetford.</i>
Sir Charles Kent, Bart.	<i>Thirke.</i>
George Jennings, Esq;	Robert Viner, Esq;
Sir G. P. Turner, Bart.	<i>Tiverton.</i>
Hon. Dudley Ryder	<i>Totness.</i>
Hon. Colonel Phipps	<i>Tregony.</i>
	Robert Kingsmill, Esq;
	Hon. Hugh Conway

AGAINST the Previous Question.

FOR the Previous Question.

Hiley Addington, Esq;
Colonel Boscawen

Sir Francis Sykes, Bart.

Thomas Farrer, Esq;

Sir Robert Lawley, Bart.

Sir Geo. A. W. Shuckburgh, Bart.

Clement Tudway, Esq;

Sir John Scott
Hon. Thomas Thynne

Samuel Estwick, Esq;
John Maddocks, Esq;

Major John Scott
James Adams, Esq;

William Selwyn, Esq; 1

Lord Herbert

Rich. Gammon, jun. Esq;

Earl of Mornington

Truro.

Wallingford.

Wareham.

Warwickshire.

Warwick.

Wells.

Wendover.

Wenlock.

Weobly.

Westbury.

West-Lose.

Westminster.

Westmoreland.

Weymouth and Melcomb Regis.

Whitchurch.

Wigan.

Wilton.

Winchelsea.

Winchester.

Windfor.

| John Calcraft, Esq;

| Robert Ladbrooke, Esq;

| Robert Burton, Esq;

| John Ord, Esq;

| Sir Henry Bridgeman, Bart,
George Forrester, Esq;

| Right Hon. C. J. Fox

| Lord John Townshend

| Sir M. Le Fleming, Bart,
John Lowther, Esq;

| Right Hon. Welbore Ellis
John Purling, Esq;

| Lord Viscount Middleton

| John Cotes, Esq;
Orlando Bridgeman, Esq;

| John Nesbitt, Esq;

| Henry Penton, Esq

AGAINST the Previous Question.	FOR the Previous Question.
	<i>Woodstock.</i>
Sir H. W. Dashwood, Bart.	
Francis Burton, Esq;	
	<i>Worcestershire.</i>
	Hon. Edward Foley
	<i>Worcester.</i>
Samuel Smith, Esq;	
	<i>Wootton Bassett.</i>
	Hon. Colonel North
	Hon. Robert S. Conway
	<i>Chipping Wycombe,</i>
Robert Waller, Esq;	
	<i>Yarmouth, Norfolk,</i>
Sir John Jervis, K. B.	
Henry Beaufoy, Esq;	
	<i>Yarmouth, Hants.</i>
	Philip Francis, Esq;
	Thomas Jer. Clarke, Esq;
	<i>Yorkshire,</i>
Henry Duncombe, Esq;	
William Wilberforce, Esq;	
	<i>York.</i>
Richard Slater Milnes, Esq;	Lord Galway

S C O T L A N D.

	<i>Aberdeenshire.</i>
	George Skeene, Esq;
	<i>Aberdeen, &c.</i>
	Sir David Carnegie, Bart.
	<i>Argyleshire,</i>
Lord F. Campbell	
	<i>Bamffshire.</i>
Sir James Duff, Bart.	
	<i>Berwickshire.</i>
Pat. Home, Esq;	
	<i>Clackmannon.</i>
Burnet Abercrombie, Esq;	
	<i>Craill, Pittenweem, &c.</i>
	John Aufruther, Esq;
	<i>Cupar, Dundee, &c.</i>
	George Dempster, Esq;
	<i>Dumbarton, Glasgow, &c.</i>
Ilay Campbell, Esq;	
	<i>Dumfrieshire.</i>
	Sir Robert Laurie, Bart.
	<i>Edinburghshire.</i>
Right Hon. Henry Dundas.	
	<i>Edinburgh.</i>
Sir Adam Ferguson, Bart.	

AGAINST the Previous Question.	FOR the Previous Question.
Earl of Fife	Elginshire.
Colonel Wemys	Fifehire.
Archibald Douglas, Esq;	Forfarshire.
John Hamilton, Esq;	Haddingtonshire.
Lord William Gordon	Invernesshire.
Sir Hector Munro, K. B.	Inverness.
Sir Archibald Edmondston, Bart.	Irvine, Inverary, &c.
Robert Allardice Barclay, Esq;	Kincardineshire.
	Kirkcubright Stewartry.
	Alexander Stewart, Esq;
Sir Charles Preston, Bart.	Kingborne, &c.
Sir James S. Denham, Bart.	Lanerkshire.
	Lauder, &c.
	Colonel Fullarton
	Linlithgowshire.
	Sir Wm. A. Cunnyngnam, Bart.
Alexander Brodie, Esq;	Nairnshire.
	Orkney, &c.
	Colonel Dundas
David Murray, Esq;	Peebleshire.
Hon. General Murray	Perthshire.
	Renfrewshire.
	John Shaw Stewart, Esq;
	Rossshire.
	Francis H. Mackenzie, Esq;
Sir George Douglas, Bart.	Roxburghshire
Mark Pringle, Esq;	Selkirkshire.
Major Moore	Selkirk, &c.
	Stirlingshire.
	Sir Thomas Dundas, Bart.
Lieut. General Grant	Sutherlandshire.
Andrew M'Dowall, Esq;	Wigtownshire.

Teller FOR the Question,

THOMAS STEELE, Esq;
Member for Chichester.

Teller AGAINST the Question,

WILLIAM ADAM, Esq;
Member for Kinton, Bamff, &c.

PAIRED OFF FOR THE QUESTION,

Right Hon. James Grenville	<i>Buckingham,</i>
Right Hon. Isaac Barre	<i>Calne,</i>
Charles Rofs, Esq;	<i>Kirkwall, &c.</i>
Sir Richard Hill, Bart,	<i>Shropshire,</i>

PAIRED OFF AGAINST THE QUESTION,

	<i>Banbury,</i>
	Lord North
	<i>Dumbartonshire,</i>
	Keith Elphinstone, Esq;
	<i>Wilton,</i>
	Right Hon. W. G. Hamilton
	<i>Winchelsea.</i>
	William Nedham, Esq;

MAJORITY AGAINST THE PREVIOUS QUESTION, AND
IN FAVOUR OF MR. PITT'S MOTION SIXTY-FOUR.

The following Gentlemen, who were prevented by Illness, &c.
from attending the House, on *Tuesday*, the 16th Instant, voted
for and against Mr. DEMPSTER's Motion for an ADDRESS to
the PRINCE of WALES, on *Monday*, the 22d Instant.

AGAINST the Motion,
Sir C. Sykes, Bart. *Beverley*,
Henry Cruger, Esq; *Bristol*.
John Parry, Esq; *Carnarvonshire*,
Edmund Bastard, Esq; *Dartmouth*,
Henry Addington, Esq; *Devizes*,
Edward Bearcroft, Esq; *Heydon*.
William Chaytor, Esq; *Heydon*.
Lord Kenfington, *Haverfordwest*.
Thomas Gilbert, Esq; *Litchfield*,
Lord Wenman, *Oxfordshire*.
Richard Barwell, Esq; *St. Ives*,
Charles Ambler, Esq; *Salisbury*.
Sir John Honeywood, Bart. *Steyning*.
Sir John Duntz, Bart. *Tiverton*.
William Lygon, Esq; *Worcestershire*,
P. P. Powney, Esq; *Windsor*,

FOR the Motion.
Lord Beauchamp, *Orford*,

The following Gentlemen have been prevented, by Illness, from
attending the House, during the present Session,

Sir Henry Peyton, Bart. *Cambridgeshire*,
Paul Orchard, Esq; *Callington*.
Nathaniel Smith, Esq; *Rockester*.
Sir John Trevelyan, Bart. *Somersetshire*,
J. F. Luttrell, Esq; *Minehead*,

WEDNES

WEDNESDAY, DECEMBER 17.

HOUSE OF LORDS.

THIS day the House met, in pursuance of the last adjournment, when the Lord President of the Council presented the Report from the Select Committee of Lords, appointed for the purpose of searching for Precedents.

Ordered the same to lie on the table.

It was then moved and ordered, that copies of the said Report be printed, for the use of their Lordships.

Adjourned to Friday.

THURSDAY, DECEMBER 18.

HOUSE OF COMMONS.

THE *Chancellor of the Exchequer* moved the order of the day, for taking into consideration the STATE OF THE NATION.

Colonel Fitzpatrick informed the House, that the indisposition of his Right Hon. Friend (Mr. Fox) prevented his attendance that day. On a question of such importance to the country, the House would not think a member *so considerable* should be absent; he therefore wished the subject intended for discussion to be postponed till to-morrow, when there would be a probability of Mr. Fox being capable of attending his duty in the House.

Mr. Pitt declared, he had no objection, as far as was consistent with the public welfare, to postpone the subject under consideration. He was desirous of shewing Mr. Fox every personal civility and accommodation not likely to impede the progress of public affairs. In this case, the Lords would not have the deliberations of the Lower House properly before them till Saturday; but being desirous of the presence of Mr. Fox, in every stage of the business, he freely consented to adjourn the consideration of the subject till to-morrow.

Mr. Burke complimented Mr. Pitt on his forbearance, candour, and liberality, in consequence of the indisposition of Mr. Fox.

The House immediately adjourned.

FRIDAY,

FRIDAY, DECEMBER 19.

HOUSE OF LORDS.

THE House met pursuant to the adjournment of Wednesday. Soon after the Lord Chancellor had taken the woollack, and consulted a few minutes with the Lord President, Lord Privy Seal, and the Duke of Richmond, his Lordship rose, and put the question of adjournment; the House then adjourned till to-morrow, in order to receive the Resolutions from the House of Commons.

HOUSE OF COMMONS.

STATE OF THE NATION.

Mr. Alderman Watson appearing at the bar with the Report of the Committee on the *State of the Nation*, the following question was put from the Chair, "That this Report be now brought up."

Sir John Sinclair rose, and declared, that with regard to the first Resolution, there was no individual in that House, who felt more, the lamentable calamity that had befallen the King and the Country, than he did. With regard to the Rights of the two Houses of Parliament, to provide the means for supplying the defect in the exercise of the Royal Authority, he must still be of opinion, that it was not necessary for that House to make a declaration of its Rights, on the slight ground, of the expression of the Right of the Prince of Wales, stated in the speech of one of its Members. If the Right Hon. Gentleman, who first expressed his doubt of the Right of that House, instead of doing so, had brought forward a motion, declaring the Prince of Wales's Right, no man would have more firmly resisted such a motion than he would. In the third Resolution there was, he said, something dark and mysterious; and whatever ideas he had of the character and abilities of the Right Hon. Gentleman, who had called upon the House to declare their Right by the second Resolution, which appeared to him to be unnecessary, the mystery in the third Resolution demanded explanation. He said, he gave the Right Hon. Gentleman credit for too much manliness of mind, to suppose, that he would endeavour to entrap that House,

House, and fetter its future conduct by any equivocal Resolution; but, before he gave his assent to the bringing up of the Report, he must beg to know, what his reasons were for the wording of the third Resolution, and to have an explanation of what was meant by the Bill to be passed by the two Houses of Parliament. Sir John expressed his fears, that the two Houses were intended to be called upon to exceed their constitutional powers; and this was a time, of too critical a nature, for any part of so serious a proceeding to be suffered to remain in the dark, or subject to any kind of doubt. Every step, in such a proceeding, should be clearly understood, and maturely considered. Before, therefore, he said more, he would wait for the Right Hon. Gentleman's explanation.

The *Chancellor of the Exchequer* said, he was very ready to give the Hon. Baronet every explanation in his power. That he wished not to bring forward any thing in that House, but what was clearly understood: the Hon. Baronet, therefore, he said, did him no more than justice, when he gave him credit for not having any intention, by any equivocal Resolution, to entrap that House, and fetter its future proceedings; he trusted, that he had never shewn a disposition to bring forward measures in disguise; in respect to the information which the Hon. Baronet wished to receive, it would be recollected, that he had, in his general opening of the Resolutions, pretty much at large explained the whole of this object. With regard to the means of providing for the defect in the exercise of the Royal Authority, in consequence of his Majesty's incapacity, he had stated, that as in consideration of law, his Majesty's political capacity was entire, their first proceeding must be by the Royal Authority, which was by a Bill sanctioned by the concurrence of the King and the two Houses of Parliament. Now, though the necessity of the case did not oblige them to act without the Royal Authority, it did oblige them to provide the means of supplying the defect, arising from his Majesty's indisposition, by issuing a commission under the Great Seal of England, appointing Commissioners to open the Parliament, in the name of his Majesty, in the usual form, and state the reasons for calling them together. He said, he conceived that to be the only mode of proceeding that could be adopted, consistent with the principles of the Constitution; a way of exercising the Royal Assent, he conceived, perfectly consistent with the substantial duties of Parliament, and the true interests of the country. It was a circumstance of necessity, and not to trespass beyond that line, was the duty of those, who constituted the remaining powers of government.

Sir John Sinclair declared himself surprized, that the Right Hon. Gentleman should call the system of measures, that he had explained to the House, a system consistent with the principles of the

the Constitution, when it was contrary to law. He declared, the mode the Minister meant to adopt was inimical to the spirit of the English Laws, and a doctrine extremely hostile to the Constitution; and in terms forcible and perspicuous, deprecated the assumption of the power intended to be called forth in the suspended exercise of Royal Authority. Every Gentleman conversant with the Statute Law knew, that it was by the 13th of Charles the Second declared illegal for the two Houses of Parliament to legislate for themselves, or make laws without the King; and by the same Statute the declaration, that they had any such power, was pronounced high treason in the person making it, and he was liable to all the pains and penalties of a *pre-munire*. Sir John said, he was happy the Right Hon. Gentleman had explained his measures, which appeared to him to be highly objectionable. Precedents had been resorted to; and in cases where the analogy was most striking, that mode had been practised, which ought, in this case, to have been adopted. The proper and simple mode of procedure for the two Houses to adopt, in his opinion, was for them to address the only individual that all mens' eyes were fixed on, as the fit person, to undertake the Administration of Government, in like manner as our ancestors addressed the Prince of Orange a century ago; this, he conceived, would have been the direct constitutional line of proceeding; but what has been substituted, bore such evident marks of usurpation, as rendered it so obnoxious to the welfare of the Country, that made him determined to bring forward a plan of his own, to obtain a constitutional establishment of a Regency. When the Right Hon. Gentleman's system came on again in that House, Sir John Sinclair said, he would subject his plan to their consideration.

Mr. Powys said, he had felt pretty nearly the same anxiety as the Hon. Baronet had expressed, though he believed the stating on what that anxiety turned, was premature in that stage of the business. When the Report should be brought up, he believed he might undertake to prove, that the Right Hon. Gentleman's system was not founded either in precedent or law.

The Report having been brought up, and the first Resolution read and agreed to, the second was read, when

Sir Grey Cooper desired to be permitted to state, with great submission, a doubt that occurred to him, whether the House, in its present limited and imperfect capacity, could, with propriety and consistency, with order and regularity in its proceedings, agree to the Resolution then reported from the Committee on the State of the Nation. He requested them to consider the very peculiar and unprecedented circumstances under which they were assembled, and then sitting; they were one of the estates of the kingdom assembled at *Westminster*, but not assembled in Parliament; they

they were maimed and mutilated in their legislative capacity, by the present incapacity of the Royal Authority. They met, he said, on the 20th of November, on the expiration of a period to which they had been duly prorogued by a commission from the Royal Authority. On that day, no commission came to prorogue them to a further time. The Speaker had arranged the proceeding, on that occasion, in the best manner possible, when he had taken the Chair, by the desire of the Members present. The Minister then opened to the House the deplorable cause which prevented his Majesty's servants from taking his pleasure with respect to a further prorogation. The House paused and hesitated in what they were to do in such an exigency; but, upon the Motion of the Chancellor of the Exchequer, the House assumed energy enough to adjourn for fourteen days; and, upon the special circumstances of the case, and the support of the authority of a precedent in the time of King William, which bore some analogy to their proceeding, he thought they did perfectly right. They met again on the 4th of December, and were informed by the Minister, that the same cause unhappily continued to prevent the exercise of the Royal Authority, and they were then informed, that there *was a necessity* for their proceeding, to supply the defect in the functions of the Royal Authority. Since that measure had been recommended by the Minister, and adopted by the House, they had, in all their proceedings, acted under the mere impulse of that necessity. They derived, Sir Grey understood, their power and energy, to take any step, or to do any act, from that necessity alone, which, in all extreme cases, had been deemed, and must be acted upon, as *magnum humanæ imbecilitatis patrocinium*. Whatever act or proceeding of that House, in its present situation, goes beyond the clear bounds of that necessity, and the regular cause that is pointed out by it, was, in his humble opinion, an act of self constituted power, and, as he conceived, of a very dangerous tendency and consequence. They had come, therefore, to the Question, whether this Resolution was, or was not, an act of necessity, for the purpose of supplying the defect in the Legislature. He contended that it was not necessary, because there was no real impediment or obstacle to their progress, which must be removed and cleared away, before they could act in their deliberative capacity. That *was no claim of Right, no denial of their authority, no matter of which the House could, consistently with the gravity and order of its proceedings, take parliamentary notice or cognizance*. The Committee, it must be admitted, had no greater power than the House, and therefore he concluded, that this Resolution was not founded in necessity, but an act of assumed and self-constituted authority. At the glorious and immortal æra, the Revolution, steps were taken diametrically opposite to those now pursued; the Convention Parliament did not, in the famous

Committee on the State of the Nation, declare what it was their right or duty to do. It appears that Finch, Sir Edward Seymour, and other considerable and leading men, delivered opinions directly contrary to the principles of the first vote on the 28th of January, 1689. The Grand Committee proposed no Resolution to vindicate or establish their right against such assertions. They exercised that right, and did the noble work they were about, and they thought, that the doing the deed, comprehended in it, and incontestably proved, both their right and their duty.

Having submitted these observations to the consideration of the House, he expressed his surprize that Gentlemen should be so much at a loss to strengthen their arguments as to have recourse to Precedents, quite opposite to any thing analogous to the present day. He requested the indulgence of their attention to some remarks upon some of the Precedents, on which the Right Hon. Gentleman had laid the foundation of his Resolutions, and particularly on the Precedent of the 32d and 33d of Henry the Sixth, which runs from page 42 to page 77 in the Report from the Committee. The Precedent had been much relied on; this he proposed as a pattern for their proceeding, in the great and arduous affair which a most deplorable necessity imposed upon them. They had been called by the great law authorities in that House, to follow the example of their ancestors, and *not to leave them in the lurch* by departing from the principles on which they voted. But, before they determined to follow the example of their ancestors, it seemed to him that they should consider *what sort of persons those same ancestors were*. He would venture to undertake to prove, by the irrefragable evidence of records, and the authentic history of the times, that, during the course of all the proceedings which collectively form that Precedent, both Houses of Parliament were in the most abject and humiliated state of dependence, on the power, the will and the nod of Richard Duke of York, and the potent and formidable faction of the noble families who adhered to him, and followed the projects of his ambition; and that every step they took, every declaration they made, and every act they did or passed, were taken and done under the impression of immediate force, and irresistible influence. He desired to be permitted to state some facts anterior to the year 1454, (in which that Precedent principally arose) in order to introduce with more regularity and clearness, the documents and evidence by which he intended to support his proposition. After the assassination of the virtuous Duke of Gloucester, the King's uncle Richard, Duke of York, became first Prince of the blood and presumptive Heir to the Crown. The impeachment of the great Minister and favourite, the Duke of Suffolk, and his banishment and death soon followed. Edmund Beaufort, Duke of Somerset, succeeded to the favour of the

the Queen, the powers of administration, and the unpopularity of his predecessor. The Duke of York, trusting to the advantage which that unpopularity, and the weakness of the government gave him, raised an army in the year 1452, and marched with ten thousand men from Wales to the gates of the city of London, for the purpose, as he gave out, of a reformation in the government, and the removal of the Duke of Somerset from all his power and authority. The manner in which he was foiled in this bold enterprise, of his being the dupe of his confidence in the promises of the Court, and of his escape from the power of his enemies, are facts well known to all those who have ever looked into the history of this eventful period. He lived in retirement, at his castle, on the borders of Wales, till the latter end of the year 1453. The Prince of Wales was born in October 1453. About this time the King fell into a disorder of the mind, which rendered him unfit, even to maintain the appearance of royalty. The Queen and Somerset found themselves obliged by this exigency to yield, for a time, to the high power and connections of the Duke of York. Somerset was actually sent to the Tower on the thirteenth of February 1454; Richard was appointed, or, more properly speaking, appointed himself Lieutenant to the King for holding the Parliament; which having first been assembled at Reading, was, after several prorogations and adjournments, assembled at Westminster, on the fourteenth of February. About this time the famous Earl of Warwick, the Earls of Salisbury and Westmoreland, and many other of the Duke's followers, were admitted into the Council, in the place of the former administration, and had the whole government in their hands. By their command and influence, the Committee of Lords was sent, on the twenty-third of March, to Windsor, to the King, who lay sick at that palace, with certain questions stated in their commission. On the twenty-fifth of March, the Bishop of Carlisle, one of the deputed Lords, reported to the House, that they found the King in a state of perfect lethargy and insensibility. Then followed on the twenty-seventh of March, the famous transaction, of the nomination *and Election* of the Duke of York to his first Protectorate, *by the Peers spiritual and temporal in Parliament assembled*, without any participation, or even consent of the Commons. He said, he did not consider their appointment of the Duke of York to the first Protectorate, as in any respect proceeding from the free deliberation or choice of the House of Lords, but that it was dictated and compelled, by the controuling and overbearing power of the Duke and his adherents. This conclusion was not founded on conjecture, or on the mere authority of any historian or annalist; but on the evidence of a record in the fifth volume of the Rolls of Parliament, page 349.

"Be it remembered, that whereas the 30 day of March, the 22d year, in this present Parliament, Thomas, Earl of Devonshire, upon an inditement of High Treason by him supposed to be done, against the Kyng's honourable estate and Person, before Humphry Duke Buckingham, steward of England for that time assigned—was arraigned, and of the same treasons, by his Peers the noble Lords of this Royaume of England, being in this said present Parliament, was acquitted of all things contained in the said inditement—By which inditement the right high and mighty Prince, Richard Duke of York, Lieutenant for the King, in the said Parliament, conceived the trooth of his allegiance to bee emblemyshed and disfeigned; in the presence of all the Lords, as well Spiritual as Temporal, there being present, anon forthwith declared himself of his truth by the King our Sovereign Lord, in manner and form following:"

"My Lordes—for so much as the matter contained in the said inditement, toucheth right nigh, my worship, honestie, and trouthe: I say that what, so toucheth me, is fals and untrew, and that I am, and all the dayes of my lyfe have been, and to the end thereof shall be, trewe and humble Liegeman to the King, my most dread Soverain Lord; and never prively ne apertly thought, nor meant the contrary—whereof I call into witness God, and all the Saints of Heaven, and the same have been, and am ready to prove, and as a Knight, to put my body in devoir against any person, to whome it fitteth me to answer; that wol take upon hym to lay any charge upon me of the said matter, or of any other, that in any wyse mought founde to the blemishing of my trouthe to my said Soveriegn Lord: desirynge, exhortynge, and requiring you so to take, repete, holde and accepte me, and that my declaration and offer herein, ye wold enact tofore you of recorde in this Parliament."

"Post cujus quidem declaratio nem factam & auditam, prefati Domini tam Spirituales quam Temporales una voce dixerunt."

"We knewe nevere, nor at any time could conceyve, but that ye be, and have been, true and faithful Liegeman, to the Kyng our Soverain Lord, as it belongeth to your estate to bee—and so we know, take, accept, repete, holde, and declare you."

This record will serve to prove to demonstration, without any comment or observation, in what a wretched state of submission and prostration the whole House of Commons at that time lay at the feet of the House of Peers. For the man whom they with one voice declared to be, and to have been, a faithful and loyal subject to the King, had, not two years before they made this dishonourable declaration, levied open war against the King, and marched with an army to the gates of his capital, and
was

was, at the very moment, known to be contesting the King's title to the crown. Sir Grey said, he would next shew, by a record of unquestionable authority, that the House of Commons was, at the very same time, in an humble, helpless, and disgraceful state of dependence on the same power. He cited the Roll of Parliament, touching the Lords, with some regret; but the case he was now about to lay before the House,

Animus meminisse horret luctuque refugit.

It appears that the Lord Chancellor, on the second day of July, prorogued the Parliament to Reading, to the 7th day of November following; and that on that day it was from thence adjourned to the 11th day of February, and then prorogued to the 14th of February:—

That the Duke immediately after the adjournment, sued Thorpe in the Exchequer, by Bill, and prosecuted him so close, though Speaker, and a Baron of the Exchequer, in his own court; that between the 23d of October, and 11th of February, he got both a verdict against him by a Jury of Middlesex, for 1000*l.* damages, and 10*l.* costs of suit, and likewise a judgement, and took and detained him prisoner in the Fleet thereon, between this adjournment and the Parliament's meeting, some few days before their re-assembling.

Indeed, the method of proceeding, as well as the expedition that was used throughout the whole of this case, appear, at first sight, very extraordinary. First, That the Commons should apply to the Lords, as well as to the King, for redress, in a matter in which their own privileges were essentially concerned: Secondly, That notwithstanding the opinion of the Judges most formally declared, "That persons arrested for any other cause than for Treason, Felony, or Surety of the Peace, or for a Condemnation, had before the Parliament, ought to be released," the Lords should adjudge, that Thorpe, who came within none of these descriptions, should, according to the law, remain still in prison: and Thirdly, That the Commons should so easily acquiesce in this decision, and immediately proceed to the Election of another Speaker, and the whole of this transaction was but the business of three days, the 14th, 15th, and 16th of February.

But, when we compare the uncommon expedition, with which this very important affair was hurried over; the judgement of the Lords, so directly contrary to the conclusion which ought to have been drawn from the opinion delivered by the Chief Justice; the command of the Bishop of Ely to elect another Speaker, signified immediately subsequent to the judgement, and, as far as appears, without any communication with the King; and the obedient submission of the Commons; I say, all these circumstances,

stances, compared with the very high situation in which the Plaintiff, Richard Duke of York, then stood; being, as appears from the Parliamentary History, that very day, the 14th of February, appointed President in the said Parliament, and himself present, and taking a part in the hearing of his cause; may be thought fully to justify the opinion of Sir N. Rich, who, when this precedent was cited in a debate on the 8th of March, 1620, says, "It is a case begotten by the iniquity of the times, when the Duke of York might have an over-grown power in it, and I therefore wish it may not be meddled with."

Upon the reading of these records, as the strongest and most searching evidence, and as the dissection of this most inauspicious precedent, might he not venture to ask the House, whether, some feelings of resentment and indignation did not rise in their breasts, against those, who have proposed this precedent as a pattern for their conduct, in one of the most important and momentous emergencies, that ever presented itself to Parliament, and in which all the great energies of government, all the rights of the highest and most illustrious persons, and the first principles of the constitution are concerned; and at a time too, when from the surprize and suddenness of the calamity, the Houses of Parliament were *inopes consilii*. He agreed with Sir N. Rich, that it was a precedent begot in the iniquity of the times, and he consigned it to eternal contempt and oblivion. He said he would close what he had to observe on this precedent, with a passage from the admirable historian Rapin.

"The contrary Resolutions of Parliament, in regard to the quarrel between the Houses of York and Lancaster, clearly show that those assemblies acted not with freedom, but were swayed by the events which happened before their deliberation. Their determinations are properly of no force, since they had not the liberty to judge according to their understandings; unless it be said, that their understandings directed them always to side with the strongest." They carried the profligacy of their conduct so far, that they made Richard, Duke of York, Prince of Wales, Duke of Cornwall, and Earl of Chester; when the heir apparent to the crown (whose family had been in possession for fifty-six years) was seventeen years old. In the beginning of the year 1455, the King was somewhat recovered from his indisposition, and the Queen moved him to resume his authority, and to release Somerset from the Tower. The Duke of York was forced to retire. He raised another army. He complained in his Manifesto of the King's Ministers, and demanded a change of government. The battle of St. Alban's was fought in May 1455. This was a compendious way of doing business. The Duke of Somerset, and many of the Ministers were killed in battle, and the King taken prisoner. This

was the first battle of that most cruel and ferocious civil war, which, for thirty years, deluged the kingdom with blood, and involved the whole nation in confusion. This famous precedent is taken from the very threshold of it, and thus raised from the dead, to prejudice the clear and irresistible pretensions of the Prince of Wales to the Regency of the kingdom. Those pretensions were admitted, and allowed by the first legal authority in that House. The Attorney General; at the same time that he denied, that the Prince had any right to assume, or to exercise the office of Regent; admitted that his pretensions were so strong, so clear, and unquestionable, from his high station and proximity to the crown, that these pretensions could not be denied or rejected; except for such causes and such reasons, as would well nigh justify a bill of exclusion, or, in other words, for such causes as would exclude him from the crown.

Mr. Martin said, he had not staid out the whole of the debate last Wednesday morning, because he found himself so much *exhausted* after nine hours close attention to the different arguments, that he was obliged to go home; which he the less scrupled to do, as he was aware that, on the Report, he should have an opportunity of explaining his sentiments, as well in compliance with what, if he recollected rightly, had been the request of more than one Gentleman, viz. that, on a question of that importance, every Member should avow his sentiments. As he never wished to *blink* any question that came under agitation in that House; he made no scruple to declare that, had he staid the debate out, he should have given his vote for not leaving the Chair; because it appeared to him, that the resolution was a very proper one, and what the House, under its present circumstances, did right to vote. Strongly impressed as he was, with the danger of popular tumult, he conceived the sooner the business was disposed of, the better it would be.

In the course of the debate in the Committee, the Right Hon. Gentleman over the way had talked of a change of Administration. What had passed that day, a friend of his had observed to him, reminded him of a scene in Shakespeare's play of Henry IV. where Falstaff reckoned upon what would be done for him and his associates, when the Prince should come to the Crown, which was then daily expected; and was assigning places of dignity and character to the most deserving of his friends. *Mr. Martin* said, he hoped, if the Right Hon. Gentleman came into office, he would not provide all who had claims upon him; but would recollect that it had been urged against the Right Hon. Gentleman near him, by some of those who most advised him, that his companions were not all equally well approved. He said, he was persuaded, *Mr. Fox* had too noble a mind to be swayed by avarice, or any of the meaner passions; he thought, however, the

Right Hon. Gentleman had too much ambition, which inclined him to temporize for the sake of getting into power. Nothing but that could, he thought, have induced him to come into that odious measure, the coalition; and, in like manner, on the present occasion, he ascribed the whole line of conduct which Mr. Fox had pursued, solely to temporizing with a view to get into power. Had not the fact been so, Mr. Martin said, he was persuaded, the Right Hon. Gentleman would not have held doctrines so incompatible with the usual language held by him on constitutional points. Mr. Martin said, as he always voted according to his conscience, it had happened that he had occasionally voted with both the Right Hon. Gentlemen; and he could not help saying, that the Right Hon. Gentleman near him had proved himself a NOBLE Minister; his conduct was *noble* in the extreme (*a hearty laugh.*) In the very delicate situation in which he had lately stood, his conduct had been most consistent, steady, and noble; in short, such as, in his opinion, entitled him to the praise and confidence of the public. He declared, he believed the Right Hon. Gentleman near him was *on his retreat*, and, therefore, he was glad to take that opportunity of speaking as handsomely of him as he could. In the conclusion of his speech, Mr. Martin recurred to the subject of the Resolutions, and, in a summary way, repeated his approbation of them.

The *Attorney General*, SIR ARCHIBALD McDONALD, rose to maintain the legal opinions stated by him, in Tuesday's debate, when he had laid it down as a position, which he would then abide by, that the common law knew no such person as a Regent. The common law only recognized three descriptions of governors of the kingdom, viz. King's *Custodes Regni*, and King's Lieutenants. He explained the distinctions between each clearly, and said, the *Custodes Regni* was a *pro Rex*, endowed with limited powers, which had been occasionally enlarged, and the power of bestowing benefices, and other specific exercises of authority given; and the Lord Lieutenant of Ireland, was a living instance of the nature of the office of a King's Lieutenant. With regard to the King's preserving his political capacity entire, notwithstanding his illness; he said, he should differ with Lord Coke, with Chief Justice Hale, Mr. Justice Forster, and every other great legal authority, if he did not maintain that doctrine. In answer to Sir Grey Cooper, he desired to put in his plea, and to tell the Honourable Baronet, that if he would give himself the trouble once more to look over *in a book*, the Hon. Baronet had often consulted, Mr. Justice Fox's *Treatise on the Principles of the Revolution*, he would find he was mistaken in one part of his argument. Mr. Attorney General canvassed Sir Grey's account of the transactions in the reign of Henry the Sixth, and said, at that time, it was the law of the land, that there was no privilege, nor was it till the reign of Elizabeth, when

when a statute was passed expressly for that purpose. The proceedings, therefore, that the Hon. Baronet had so strongly reprobated, with regard to the appeal to the Judges, in the case of the detention of the Speaker of the House of Commons, who had found that Privilege would lay in the Speaker's case, and the reference of the Judges opinion to the House of Lords, were not so extraordinary; but let them be ever so worthy of censure, let Richard, Duke of York, be ever so great a tyrant, it served the better to support his reasoning, and the more to strengthen and confirm the precedent selected from that period; because, it proves, that in the worst of times, the transaction, the precedent stated, had been constitutionally regular. To argue against all precedents, selected from troublesome times, was, he said, a sort of reasoning that he lamented, and to pronounce, that no precedent taken from such times was to be relied on, was to go the length of declaring *Magna Charta* no act of Parliament.

Mr. Wyndham began a very neat argument, with some pointed observations on what had fallen from Mr. Martin, respecting the gentleman on his side of the House. He declared, that if that Hon. Gentleman had not considered what he had said, as of high consequence; in his own opinion, he surely would not have come forward with assertions altogether unfounded, and for which he had assigned no reason. He knew not whether there was any mystery to be divined from what the Hon. Gentleman had said; since superstition assigned to animals of no great estimation the power of revealing secrets. *Macbeth* told us, that the greatest perils had been discovered by the screaming of magpies and choughs. As an individual member of the body of men, whom the Hon. Gentleman had lashed and censured so pointedly and sarcastically; whilst, at the same time, he had been so good to inform and instruct the House, in his information of the party he liked best—he must, Mr. Wyndham said, as an individual, under the lash of his satire, tremble for himself and his friends.

In respect to myself, says he, delicacy induces me to say little, but with respect to the characters the Hon. Gentleman has alluded to, I must say, that in point of rank, of family, of fortune, of splendid talents, of known character and tried abilities, they disclaim a comparison with the Hon. Gentleman and his friends; where triumph could not obtain them honour, or comparison consequence. The Hon. Gentleman, therefore, must suppose some peculiar consequence to be annexed to his opinion, or the House never would have heard the body of men, he had been describing, humbled as they had been by the Hon. Gentleman; but as he would not on that, or any other occasion, follow the Hon. Gentleman's example, he would quit all mention of his Right Hon. friend, who had been so peculiarly distinguished, as to have been made the special subject of a debate, and not only of a debate, but of a resolution of that House.

Having

Having also alluded to the adjournment of the House the preceding day, on account of Mr. Fox's illness, Mr. Wyndham proceeded to deliver his opinion on the topics stated and maintained on the different sides of that House. He said, he concurred with the doctrine of his Right Hon. friend in its fullest extent; that he had intended to deliver his opinion upon it to the Committee, but had been so much exhausted, that he was obliged to forego his intention; that he was then glad he had done so; for he had been able since, more maturely, to consider the subject; and he was, by reflection, confirmed in his opinion. He then adverted to the arguments of the *Attorney General*, who had said, it was totally inconsistent with the *civil law*, to allow a full right to the Regency to the Heir Apparent; and even this strange and preposterous proposition, was attempted to be supported on the basis of analogy—analogy, if that could be called such, which was drawn from precedents irrelevant to the case in point, and from musty records, to confound reason, and wound the constitution. The true jet of the argument was, he said, to be drawn not from written law, not from precedent; but it depended upon the plain, broad ground of analogy only—analogy too clear to be mistaken, and too forcible to be resisted. Not to consider the right of the Prince of Wales to the Regency as an hereditary right, was to go the length of maintaining, that the two Houses of Parliament had a power of new moulding the constitution. The consequence of hazarding any thing, which would approach so awful a measure, should be most carefully avoided; cabal and tumult must succeed, and men should therefore adopt that, which is not critically constitutional, (though he did not mean to infer, that any act is so, which invests the Prince with his full and legal powers) than even, by adhering to the strict spirit of the constitution, involve its ruin in the cabal of party, and the tumult of the nation. Such a struggle, is not a struggle for the preservation of the constitution, but a struggle for its destruction. He reasoned upon this, with great logical acuteness, and said, that he rather judged the goodness of a precedent by its consequence, and what the effects of that consequence might be, than by the precedent itself. According to the doctrine laid down, Mr. Wyndham said, a foreigner might justly observe, that whenever there was occasion for a Regent, the two Houses of Parliament stepped in, and gave away the country. He took notice of the various arguments that had been advanced, as to what the law was, with respect to the case in point, and declared, that, in his opinion, one of the surest ways of determining what was the law, was by determining what ought to be the law. We can never see what is right, he observed, until we are in a situation to know what is wrong. It was not in respect to the precedents and statutes that were quoted, that the House was to look in the present instance; we are to look, he insisted, to the applicability of

of the laws, to our present situation, and not to the intention of the framers. If it could be proved, that it would be better for the country, and more consistent with the constitution, to have the right of electing a King to rest in the two Houses of Parliament, in preference to an hereditary monarchy, it would be a legitimate argument; but if it cannot, by practice or experience, be proved, that such a change would be better, the House would do an essential mischief, by acquiescing in the preposterous demands of the Minister. He adverted to the motives of the Minister, and said, they well knew what was working at the bottom; but men were not looking at the consideration they ought to look to, but were making it a personal question.

They had been told, properly enough, that they should not consider the virtues of the Great Personage, who had the strongest preferable claim to the Regency, as any argument; and yet, if the virtues of his Majesty, (which all must readily admit) were held out as reasons for limiting the powers of the Regent; they ought to take in the virtues of the other Personage as the security for his Majesty's returning to the Government: but it was thought that the custody of the King's Prerogatives were more secure in the hands of the Parliament, than in those of the Heir Apparent. Mr. Wyndham paid many handsome compliments to the good sense and noble disposition of the Prince of Wales. He was sorry to find that the dangerous experiment of curtailling the Prerogative, should begin with so amiable a character; and whatever the Chancellor of the Exchequer's reasons might be for diminishing it, he was happy to think, that it was not from a suspicion, that his Royal Highness would not fill his exalted station with wisdom, truth, and justice. Mr. Wyndham next took notice, that in one of the last Regencies, the latter of those in the reign of Henry the Sixth, the Duke of York was made Regent, because he was Presumptive Heir to the Crown; and thence he argued, that the Prince of Wales, being Heir Apparent, had a better plea, and the public had a better security for his taking due care of the interests of the kingdom; as no other person was so much interested in its prosperity. He reprobated the project proposed in the third Resolution, and said, his mind revolted at the idea of such a *coarse fiction*, for so it was, let what would be said of it. He declared for one, he did not place great reliance on the reasoning of lawyers upon such subjects. He insisted, that without attempting to detract from their merit, such was the nature of their proceedings in Westminster-Hall, that although a person may be well qualified to acquit himself there, yet, in the present Question, their assistance may prove more injurious than otherwise. The House, he presumed, wished to bring matters to a crisis, the most favourable to the welfare of the kingdom, and, therefore, Gentlemen in the practice of the *perversion of*
Right

Right, and encouragement of *Wrong*, may be capable of succeeding in such cases, though totally inadequate to judge properly on the present important constitutional Question. Mr. Wyndham said, he did not like those maxims, which could not be comprehended; nor did he admire precedents drawn from times of such tumult and confusion, as those that distinguished the period, from the appointment of the Duke of York to the Regency, in the latter part of the reign of Henry the Sixth. The fatal consequences that followed, was a sufficient condemnation of the precedent in his mind. He added a variety of other reasoning in support of Mr. Fox's opinion, which, with such analogy on the one side, and such clear and strong reasoning on the other, appeared to him to be unquestionably the better argument of the two that had been advanced upon the subject.

Mr. Martin said, the Hon. Gentleman had accused him of not having spoken to the Question; he appealed to the House, whether he had not spoken to it in a general way, both at the beginning and end of his speech. The reason why he had alluded to a change of Administration, he said, was the having heard the Right Hon. Gentleman over the way introduce the subject in his speech in the Committee; and, he had always understood, that a debate on a report of a Committee, was considered as a continuation of a former debate. Mr. Martin said, he was willing to impute the personal rude treatment of him, rather to the heat of the moment, than to any intentional departure from that good breeding, that made so essential a part of the Hon. Gentleman's character.

Mr. Christian said, after the vote he had given, he took the earliest opportunity of coming forward, and boldly meeting the Question. He professed he was sorry the Question was brought forward at all; but, as it had been brought forward, he thought it was the duty of that House to assert its rights, and decide them for the benefit of posterity. He was not, however, prepared to go the length of the third Resolution, and begged not to be considered as precluded by his vote of Wednesday, from dissenting with the Right Hon. Gentleman at the head of the Exchequer on that question. Mr. Christian said, that after the glorious effects of the Revolution, he thought we ought to act in the same way, to declare the Prince of Wales Regent, as our ancestors had declared the Prince of Orange King, and to address his Royal Highness, to accept the Regency. He said, he did not think it right to place any restrictions whatever on the Prince, while acting as Regent.

Mr. Hardinge, (the Welch Judge) observed, that so important a question, as that under discussion, had not engaged their attention since that same memorable Revolution, that gave us a free Constitution, and secured our liberties. In an unfortunate crisis like

like the present, when there was a suspension of the exercise of the Royal Authority; the people of the land ought to repair the defect. He said, he agreed with many Gentlemen on the other side, in their premises, but not in their application. No man had a greater dislike to make parliamentary declarations of constitutional rights than he had, nor would he ever consent to any such declarations, but where the necessity absolutely required it; his opinion was, that the House of Commons ought to speak by its actions, and not in words; in the present case, he thought an unavoidable necessity did require a declaration of the rights of the House, and he would tell the House why. The Question of Right had been challenged. The Right Hon. Gentleman over against him, at the very first moment, when the Royal Incapacity was established, in a manner satisfactory to that House, had risen, and asserted the Prince's Right. Let him remind the House of what the Right Hon. Gentleman had himself said, for the manner of the declaration was material. With a frankness that did him honour, the Right Hon. Gentleman asserted the Prince's Right; and he had since told them, that he had long lived in confidential habits with the Heir Apparent. The assertion struck every man with its novelty, and it went forth, and made as much impression on the minds of the public, as it had done on the minds of that House. An opinion coming from such a quarter, with all the weight of amazing talents, and high character, and with the known confidence, with which that Right Hon. Gentleman was honoured by the Prince, could not possibly be overlooked. It afterwards appeared, that the Right Hon. Gentleman's words had been misconceived, but, according to his own explanation, it turned out, that his argument was not mistaken. A noble relation of his, who had long stood distinguished as a tried and faithful watchman of the land-marks of the Constitution, stated in another place, the doctrine that the Right Hon. Gentleman had broached in that House, as it had been conveyed to him; and it was no wonder that he caught at it with avidity, and took the opportunity of declaring, in the first public assembly he could address, that so novel a claim had been made; to have done less, would have sunk his character. Happy had that indiscretion, in such a character, and at such a moment, proved, since it had obtained the House the favour of hearing a full explanation, what was the meaning of the Right Hon. Gentleman. Mr. Hardinge said, he admired the wonderful abilities of the Right Hon. Gentleman; but even with those abilities, he did not think he would be able to support his own argument, and he would presently explain why he thought so. It had indeed been averred, by an illustrious personage, in another place, that the Heir Apparent would never come forward to make his claim,

as of a *Right*; but who was there who could inform the House, that the Right had been, in any instance, disavowed? The challenge of Right, therefore, remained undecided; and ought a question of that nature to be shrunk from, and suffered to go down to posterity unresolved? What was the pretence for not agitating it? Civil tumults, and a variance, might possibly take place between the two Houses. He denied the chance of either; but suppose civil tumults had ensued, was a British House of Commons to be deferred from doing its duty, by a dread of popular misconstruction of their proceedings. By the Right Hon. Gentleman's declaration, he would state what he took to be the Right Hon. Gentleman's meaning, that on the incapacity of the King to exercise the Royal Authority, there attaches a right to the Heir Apparent, to exercise the Royal Authority, *the same as if his Majesty had undergone a natural demise*. Mr. Hardinge said, he would stop a little to examine the fences and outworks of such a position, before he entered on the substance of it. He then desired the House to take notice, that the Right was not to attach, till *after* the King's incapacity *had been declared* by the two Houses of Parliament, and the two Houses had adjudged the Right to belong to the Heir Apparent. This circumstance he laid a stress on, and asked how it was possible for any man to conceive, that such a Right could so attach? What, was the Heir Apparent to *wait*, not only for the declaration of the two Houses, but for their adjudication? On the actual demise of the Crown, did the new King wait for a declaration of Parliament of his father's death, or for their adjudication of his Right? Certainly not, it would be absurd in itself, and highly inexpedient that he should. The Right Hon. Gentleman, he observed, had compared it to the case of an election of a Member of Parliament: but, surely, there was no analogy between the two cases; the proof that a candidate is eligible, a majority of good votes, a free election, and a return constitutes the one case, and makes a Member of Parliament. He would say a very few words to the Right Hon. Gentleman, because a very few words would *show* that the Constitution itself decided the point. Mr. Hardinge observed, that there were different degrees of incapacity. The child on the knee, the second child (the dotage of old age) the perpetual child (the idiot) the delirium of a fever, the delirium with *data*, absence, and a variety of others, all cases in point. The infant on the mother's knee, was provided for by the precedent in the infancy of Henry VI. when the Duke of Gloucester was the Regent. There was, he said, no one case of a Regent who had not been fettered one way or another, nor one that had been self-appointed, nor one that had pretended a Right to assume it. Having stated these propositions, he said, he would pursue an idea started by a learned friend of his, viz. with regard to the

two Regency Bills, one agitated in the reign of George the Second, the other in the reign of the present King. He held a copy of the Preamble to the two Bills in his hand. He then proceeded to state the tendency of each, and shewed, that they both recommended the disinherison of the right Heir, who was the Duke of Cumberland in one case, and the late Duke of York in the other; and yet nobody thought it a hardship, although the Duke of Cumberland was at that time in the plenitude of his popularity, and the Administration was peculiarly a *whig* Administration under Mr. Pelham, who, though not a very brilliant, was an able Minister, and an honest man. But no person had complained of the measure, as a measure of injustice; nor did it suggest itself to the mind of any one man, that the restraints imposed on the Princess of Wales (who was named as the Regent, and not the Duke of Cumberland) was unconstitutional. The second Bill was chiefly copied from the first, and created great debates in that House, the walls of which almost rung yet, as it were, with the echo of a *pocket* Regent. He saw a Gentleman, who was a Member in both Parliaments, and, most probably, in the House when each Bill was debated (Mr. Welbore Ellis); he called upon that Right Hon. Gentleman to state, if in either case, there had once occurred, any idea of doing an injury to the right of the Heir Presumptive, or any other person. Besides, who were the lawyers of those days, when the last Bill was agitated? Had the House heard of such men as Sir Dudley Ryder, Lord Mansfield, Lord Hardwicke, and other great Constitutional Magistrates? After dwelling for some time on these two Regency Bills, Mr. Hardinge took notice of what Sir Grey Cooper had said of the history of the times in the 31st and 32d of Henry VI. and said, that if the Duke of York was the tyrant, that he had been described, how much stronger did it make the case in favour of the argument on their side? The better was that precedent surely, which was taken, from troublesome times, and had undergone considerable discussion and dispute. But the case of the Revolution had been mentioned, and relied on as a case that applied. At the time of the Revolution every one of the incapacities, stated on the present occasion, had been canvassed, and it was wonderful how nearly the doctrines, of the high Tories, resembled those of the Right Hon. Gentleman opposite to him; but the Revolution and the present case were parallel cases; although the noble Lord in the blue ribband, who he was sorry he did not see in his place, had laid so much stress upon it, and urged the House to do as the House had done at the time of the Revolution—go straight forward to their point, and immediately declare a Regent, as their ancestors had, at the Revolution declared, a King. The noble Lord, he confessed, had made a most ingenious speech, and had reasoned with great force and acuteness; but although, in general,

general, his memory was equally ready and correct, it happened that the noble Lord was materially incorrect in almost every one instance of reference to the Revolution. The noble Lord had repeatedly said, that House declared the Throne vacant, and the Prince of Orange King, without entering on the discussion of theoretical questions. The fact was notoriously otherwise. So far from it, that one of the most subtle theoretical questions was discussed and decided in that House, that ever was framed. A declaration respecting the appointment of William and Mary, to be King and Queen jointly, with a definition of the separate powers of each. The noble Lord had said, he was not for legislation;—why?—because we had a King upon the Throne. That House did legislate at the period of the Revolution, and, as a proof that they had legislated, Mr. Hardinge produced and read a copy of the Resolution of the Lords Spiritual and Temporal and Commons respecting King William and Queen Mary, which, with some degree of irony, he said was a trifle, a mere spirit of legislation, not worth notice! After marking the strong difference between the Revolution and the present case, since, in the former, the natural and political capacity of the King was gone; whereas, in this case, his Majesty's political capacity remained entire, although his natural capacity would not permit him to exercise it; Mr. Hardinge proceeded to observe, that the Right Hon. Gentleman seemed to confound hereditary and elective Right. In point of law, King James was a King after he left Great Britain, and continued so till the end of his life; but the Constitution said *no*, and would not permit him to act as King of England after his abdication. The Right Hon. Gentleman would probably ask, was the Crown hereditary or elective? He would say hereditary, and it undoubtedly was so; but if the King upon the Throne conducted himself in such a manner as to forfeit his Crown, it became elective. And there the advantage of the Heir Apparent came round again, as Serjeant Maynard had said at the time of the Revolution, “when there was a defect in the exercise of the executive power, that House had a right to make a provision for it, but they must not violate the hereditary right of the Crown.” In proof that care was taken of this, he mentioned the Act of Settlement, which was so much in favour of Mary, whose issue had preference to the Heirs of William. After a great many ingenious and apposite observations, Mr. Hardinge concluded a very able speech, with declaring, that it was highly necessary for the House to vote the Resolution then under consideration.

Mr. Anstruther and *Mr. Burke* rose together, but the former obtained the hearing. He began a very animated reply to Mr. Hardinge, with contradicting his assertion, that James the Second was a King to the end of his life. He attacked the third
Resolution

Resolution as contradictory of the principal resolution. He took notice of Mr. Pitt's declaration, that every man in his Majesty's dominions had as good a right to the Regency as the Prince of Wales, a doctrine which he reprobated and condemned. Every situation in society, he said, had certain duties attendant on it, but the country had an interest in the person of the Prince of Wales, which they had not in any other person; whence the Prince was in an especial manner protected by the laws, and had many peculiar rights and privileges, and whence resulted his Royal Highness's Right to the Regency of this Country. He was acknowledged to be the only person, who could be proposed as a candidate, and the only one who could be elected. Between these claims to the supreme authority, and an actual Right, those who could must define the difference. Yet by the mode now proposed, it was not impossible but *two* Regents might be *elected* by the two Houses of Parliament. And if any person existed, that claimed the sovereignty on different grounds from the reigning family, it was not impossible that such person might be nominated.—Why then was this hazard to be incurred? And why were they, in their proceedings, to depart from every rule of analogy, and every principle of the constitution? He observed, that the monarchy of Great Britain was hereditary, only on account of its public utility, and contended that public utility was equally dependant on the Regency being hereditary; if we made it a matter of appointment, we made it a perfect matter of canvas, and might have one Regent appointed by the House of Lords, and another by the House of Commons. After mentioning the Prince's strict right in one part of the kingdom, viz. Scotland, Mr. Anstruther admitted, it was not quite fair to pursue the analogy of the Prince's rights, to private estates, however it might apply. He next corrected what he termed a complete mistake in Mr. Hardinge, and at length returned again to the third Resolution, the meaning of which he said was, that the Houses of Lords and Commons were to forge the great seal of England, and issue out a commission to pass a bill legislated by the two Houses; he asked, would a bill so issued have his Majesty's consent? Most undoubtedly it would not; their own Resolutions on the table would give the lie to it; and if they could pass one bill, they might pass more. They might continue forging the great seal for a day, a week, a month, a year, and if they pleased for ever. Mr. Anstruther asked, if this could be so easily done, and was to pass for law, why had not our ancestors, at the period of the Revolution, dragged the Thames for the great seal, and done the same as was meant to be done now. They might by the help of the same sort of forgery, have kept the kingly power in their own hands, and had nothing to do with William and Mary. If it could be done in one instance,

it might be done in any ; they might lop off one branch of the prerogative, and then another, and so by degrees, till there was no prerogative left. Mr. Anstruther reprobated the precedent in Henry the Sixth's time, and in terms of great asperity censured the mode of passing the bill proposed in the third Resolution. He called it a clumsy, absurd, wicked project, and said the Commissioners would be such perfect puppets, that they would have no voice of their own of assent or dissent. He recapitulated the cases of Edward III. Richard II. and Henry VI. and said what had been called a Council of Regency in the latter's reign, had been no such thing, but a Council which the Barons meant to have put above the King himself. The Council consisted of five of his brothers, and the rest were his near relations. A learned friend of his, in justification of precedents taken from troublesome times, had said, if they condemned those precedents merely on that account ; they might as well say, Magna Charta was no Act of Parliament. He should be sorry to say, that Magna Charta was no Act ; but he had ever considered Magna Charta as an object of admiration and reverence, on account of its intrinsic merit. After some casual remarks on offices executed by minors, he concluded his speech with declaring, that he never would consent that the House should vote the third Resolution.

Mr. Beaufoy made a short speech in reply, but the House happened to be so much out of order, that what he said, could not be heard with sufficient distinctness to collect the line of his argument, further than that he thought, the urgency of the occasion made it necessary to appoint a Regent ; but that Gentlemen on the other side, seemed to think it necessary to appoint a King.

Mr. Dempster begged leave to propose an amendment to the second Resolution, which would rescue them from the greatest solecism he ever saw. Mr. Dempster said, the Revolution was no precedent in point for the present proceeding. Our King was not likely to be expelled the throne, because he was a King loved by his subjects ; but he was a man, and consequently subject to all the calamities and infirmities of human nature. We had at this time a Prince of Wales, the Heir Apparent to the throne, of full age. Why then should we have a King made up like nothing that ever was conceived before, an un-whig, un-tory-like, odd, awkward, anomalous monster ! He declared he stood up as an independent man, connected with neither party ; the amendment he had to propose, was an amendment of his own, without consultation, and without connivance ; he did not even know, whether his amendment would be seconded ; but such as it was, he would move it, that he might at least endeavour to preserve the Constitution from what appeared to him to
be

be dangerous. His first amendment was, to leave out the word "*Right*," because their best way of declaring their Right, was not to express it by a word, but by the exercise of it; and with that view, he should farther move to leave out the words "*in such manner as the exigency of the case may appear to require*," and insert, "*by presenting an address to the Prince of Wales, Heir Apparent, and of full age, humbly beseeching him to take upon himself the administration of the civil and military government of the country, during the incapacity of his Majesty, and no longer*." Mr. Dempster took notice of the reports that were abroad, that the measures now going on in that House, were with a view to prevent a change in the Ministry; he said, he thought no such paltry considerations ought to sway their minds in the progress of so important a proceeding. He had sat in that House near twenty years, and seen a new Ministry almost every year. He concluded with moving to leave out the word "*Right*."

Mr. Courtenay seconded the amendment.

The Speaker read the amendment, and put the question upon it.

Mr. Powys said, he conceived the present question would turn merely on the word "*Right*." If any law existed, it ought to be, that the Prince of Wales should take upon himself the Regency, but there being no law, it would be more constitutional than the other mode of proceeding.

The question was then put, and carried, that "the word *right*" stand part of the Resolution.

The question was also put, that the words "*in such manner as the exigency of the case may appear to require*," stand part of the Resolution.

Mr. Powys rose again and said, had the question been suggested three days sooner, he should have been one of the first to have risen to second it. He said, he should always consider the honourable and learned Gentleman over the way, whether in or out of office, as one of the first legal authorities in that House; and as he was ready to confess, when he was convinced by argument, which he sometimes was, by what he heard in that House; so he now acknowledged, that by the Hon. Gentleman's distinction, between the case of the Revolution and the present case, and the difference that he had laid down, between the natural and political capacity of the King being both at an end, whereas in this case, his Majesty's political capacity was entire, altho' he was not in a state of natural capacity to execute his kingly office; he was convinced, the opinion that the Revolution afforded a case in point, was erroneous; and that those precedents, which he had not thought much in point, he now conceived were very much in point. That of Henry VI. was not strictly so, because, when the Duke of York was Regent, he represented a King; and there was a Parliament at that time, a commission being legally issued, giving a general power to hold it. Mr. Powys said, he thought the Resolution liable to objection. He wished the

first person in the kingdom, might be called upon to take the government. In protecting the rights of the crown, he protected the interests of the people. For what were the rights of the crown? only the powers vested in the crown, for the preservation of the interests of the people. As the Resolution stood, they were putting themselves in disguise to maim and mutilate the Constitution. They were putting into the hands of the crown, the royal assent, without the regal will.

The *Chancellor of the Exchequer* said, he would trouble the House with a very few words, because he thought that discussion would come more regularly, in another stage. He read the amendment, and said that the words, "*An Heir Apparent*" seemed to justify the Prince's claim to right, and so by an equivocal turn to contradict the Resolution. Now, as he conceived every part of the House would agree with him, that such a claim, if asserted, should not be asserted obliquely, and by a side wind, he thought it would be better that the Resolution stood, as it did before. With regard to the question, Whether the Prince of Wales, as Regent, should have the whole royal power, or only a part; till that point was ascertained, it had better not be discussed; at any rate, the House ought not to be taken by surprise, and have such an amendment put upon it, on a sudden.

Mr. Fox said, no man less than he, would approve of giving the question a new turn, without the House having a proper time to consider of it. He apprehended, from the words of the third Resolution, that one of the points was determined; not, that he meant by any means to say, that he approved, he had contended against it; but having contended in vain, he should make his stand at another post. He was prepared to contend, that the third Resolution, by putting the two Houses into a capacity to pass a bill, did, what he had great doubts the House could not do, antecedent to the declaring a Regent. *Mr. Fox* then stated, that the amendment then moved, and the Resolution itself, were equally taking the House by surprise, and that possibly the natural way of proceeding, would be to adjourn the debate till next day or Monday.

Mr. Dempster said, he expected the debate to finish, but he was willing to waive the words "*Heir Apparent*."

Mr. Burke said, they did not in the smallest degree tend to overturn the Resolution. A person of full age was the fittest to be guardian of a person in a state of incapacity. The name of the Prince of Wales, when they considered who he was, was such, that he was certainly properly described in the amendment.

Mr. Fox thought the House had decided that already, at least he was convinced it had been carried against him, and to that decision

decision he bowed. He asked, Whether the Hon. Gentleman might not waive the Resolution. He should not wish, any more than the Right Hon. Gentleman, that should be done by a side wind, which had been expressly decided before,

The *Chancellor of the Exchequer* said, that he must still consider the third Resolution, as connected with the second, and as giving the true description of the only way of proceeding constitutionally, to take the necessary measures in this important crisis.

Mr. Burke, with some warmth, called upon the country gentlemen, to be more careful how they voted in future. They might now see the consequences, of blindly voting with a Minister for they scarcely knew what. He wished to awaken their vigilance, that their honour and integrity might be preserved from danger, and that they might not be entrapped. One person, he said, had a scheme against their simplicity, which he had practised step by step, till he had them so fast entangled, that they could not get back. The Right Hon. Gentleman had persuaded them to vote a first Resolution, and then a second, and now he told them they must vote a third.

The *Chancellor of the Exchequer* rose with much heat, and expressed astonishment at what the Right Hon. Gentleman (*Mr. Burke*) had said. He desired gentlemen to recollect, whether, in his conduct throughout the proceeding, he had ever done any thing that looked like a design to entangle or entrap them. The third Resolution was, in his opinion, the only constitutional mode of carrying the second into effect. If any person could shew another mode equally constitutional, and better calculated for supplying the deficiency, he was ready to adopt it. He hoped, he should not again be told, that he was endeavouring to entrap gentlemen.

Mr. Marjham rose; he said, he hoped the country gentlemen would not be led away, by the sophistry or ingenuity of the great men on either side of the House. He begged to say, that after what he had heard said in that House, and without doors, he thought it necessary for Parliament to declare, that it was their right, and their duty, to provide the means for supplying the defect in the exercise of the Royal Authority. *Mr. Marjham* did the *Chancellor of the Exchequer* the justice to declare, that throughout the whole of the business, he had not only conducted himself unexceptionably, but in a manner highly to his credit. He did not, he said, mean to insinuate, that the Prince had no Right. He had, he said, but plain common sense, but he could not help thinking, there was a more plain method of coming to the point. He was desirous of receiving every light the united talents and information of the House could cast; but much in the dark he confessed himself to be, relative to the restrictions

intended to be imposed on the power of the Regent. The Resolutions, he conceived, were very far from being plain and intelligible: but fraught with that subtlety and intricacy, which, in a business of such vast concern to the Empire, ought to have been proscribed. Why not at once go up with an Address to the Prince? and *pray him*, in this *sad suspension* of Royal Authority, to take the executive Government under his protection. What an illustrious character (the Duke of York) had said in another place of his Royal Brother, augured well of the Prince, and strikingly illustrated his attention to the true interests of the nation. The Prince's delicate situation ought to be considered; he felt it as much as them all, and with additional poignancy. For his part, he thought it the interest of the Prince of Wales, in common with them all, to do any thing to make the kingdom flourish.

Mr. Christian declared, he scarcely knew which way he ought to vote. He did not wish to shrink from his duty; but the possibility of voting away the Rights of the Crown, under pretence of defending the Rights of the People, staggered him.

Mr. Rushworth very strenuously seconded the amendment. Their conduct, he said, had hitherto been wrong; it was time to think of what was right.—They had done wrong from the beginning, by letting any person come down to that House but the Prince of Wales.—They had passed the second of these Resolutions, as a reply to an assertion which had fallen from one Right Hon. Gentleman (Mr. Fox) respecting the Right of the Prince;—they should accede to this amendment, as a reply to the declaration of another Right Hon. Gentleman (Mr. Pitt) “That the Prince had no more Right to the Executive Authority than any other subject!”—Had George II. Mr. Rushworth asked very forcibly, been attacked in the year 1745 by the same malady with his present Majesty, and had any person thus impeached the Rights of Frederick, the then Prince of Wales—it were a singular matter of contemplation, how such a declaration would have been then received. Would a Minister dared to have made the same declaration? He must have found shelter somewhere else than there.

Mr. Harrison said, the only objection they could have to placing his Royal Highness in that situation, must arise from an idea, that he would not part with it, when his Majesty should recover. He asked, on what was so unjust a supposition founded? Let the House consider his Royal Highness's filial attention, and tender regard to his mother and sisters, during the dreadful period of the family's severe affliction. Let them view all his private virtues, and then say if he ought not, to be declared sole Regent, with all the Royal Prerogatives, which was the only proper means of restoring the third branch of the Legislature.

Mr.

Mr. Edwards, Sir Matt. W. Ridley, and other Members spoke, but the House was so disorderly they could not be heard.

Mr. Dempster then withdrew his amendment from the second Resolution, which was carried as it stood originally. He then moved to leave out all the third Resolution, from the word "determine," and insert his amendment.

Mr. Marsham moved the House to adjourn.

Mr. Pitt said, although he felt much anxiety for dispatch, he did not wish to deprive a subject so deeply interesting, of due deliberation.

Mr. Fox wished the Motion to pass, from a conviction that it would change the mode of proceeding with the Minister, for it was indispensably necessary to restore vigour to every function of Government, and render it as complete as possible, prior to the execution of any public business.

Mr. Pitt wished to satisfy the public expectation as soon as possible; for the suspense of the minds of men at this crisis, he conceived to be extremely unpleasant. From the severe cold under which he laboured, it would be a personal accommodation to him, and not inconsistent with the public interest; he therefore consented to adjourn the consideration of the subject till Monday.

At ten o'clock the House adjourned to Monday.

MONDAY, DECEMBER 22.

HOUSE OF COMMONS.

ADJOURNED DEBATE, ON THE REPORT OF THE COMMITTEE, ON THE STATE OF THE NATION.

THE public anxiety was never more apparent, than in the general eagerness, to be present at the discussion of the momentous subject at this time before the House.

At one o'clock this day the galleries overflowed; and what is more remarkable, there were upwards of *three hundred* Members attended at three o'clock to prayers.

At half past four o'clock, the *Chancellor of the Exchequer* having moved the order of the day, the Speaker read the third Resolution.

"That for this purpose, and for the maintaining entire, the constitutional Authority of the King, it is necessary that the said Lords Spiritual and Temporal and Commons of Great Britain,

“ Britain, should determine on the means whereby the Royal Assent may be given in Parliament to such a Bill, as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majesty’s present indisposition.”

The Speaker then read Mr. Dempster’s amendment, which was to omit the latter part of the Resolution after the words, “ determine on the means,” and insert in their stead, “ that an humble Address should be presented to his Royal Highness the Prince of Wales, praying that he would take care of the civil and military government of these Realms, during the continuance of his Majesty’s illness, and no longer.”

Mr. Burke rose, and in a speech of more than two hours continuance, entered very much at large into the whole of the Question. He began with stating, that in the course of twenty-three years, during which time he had enjoyed the honour of a seat in Parliament, he had never arisen to deliver his opinion on so important an occasion; that in no one instance, in which he had ever given his sentiments to the House, had he delivered his opinion, either with a view to power, with a view to flatter that House, or from motives of conciliating the favour of the people; but had declared the suggestions of an unbiassed mind, impressed with what he conceived to be the best means of providing at once for the safety and honour of the Sovereign, and the welfare of the nation. He had brought forward and supported measures, that might render him obnoxious to the frowns of the Sovereign; and he had opposed and withstood the prejudices of the people, when he saw them acting contrary to their own interest, or hastening madly towards the accomplishment of their own destruction. He had always supported the independance of opinion, in a Member of Parliament; and he thought himself no less irresponsible for what he should say in Parliament, (provided he did not overleap the boundaries of law) than the King himself. He was not, and never should be, subservient to any power, or influenced by any views of self-interest; his only anxiety was, that his conduct should be irreproachable, when summoned before the TRIBUNAL OF HIS OWN HONOUR. Allusions had, he observed, been made to a change of opinion, to an accommodation of sentiment in Members of that House. He was ignorant of the truth of such an imputation, so far as it affected others; he believed there might be such persons, (*looking at the opposite bench*) but he was sure that he was himself innocent of any such indirect motives. A probability of a change of Administration had been suggested, he knew nothing of it; whatever might be thought of his looking forward to a place in a new Administration, he would give the independent sentiments of a plain citizen

zen on the question now pending. He knew not of any place he was to have. He had not exchanged a syllable with his Royal Highness on the subject; and was as little acquainted with the inside of Carleton House as with the inside of Buckingham House. Should he be noticed in a new arrangement, should his humble abilities be called into play, he was certain his situation would be a very subordinate one indeed, and that his profit or advantage from it could be but little, because a return would be necessary in *drudgery* and *exertion*. In his conduct, on this occasion, he could not therefore be guided by self-interest, or misled by ambition.

The two Houses of Parliament were, Mr. Burke said, in a state of inactivity, arising from the vacancy in the exercise of the third branch of the Legislature; and that whatever measures they had recourse to, were justifiable only in proportion as they were founded in the necessity of the case, beyond which point they could not go. Their situation, he said, was by no means an exalted one; for *necessity* had no reason to be *proud*. They were to act under a humiliating pressure of circumstances; yet the arguments of some persons had been, as if the authority of the House expanded under its depression. All proceedings, that are grounded on *necessity*, should be cautiously conducted. Other matters might go on in a progressive state of improvement, but *necessity exists for its own destruction*. In a dangerous situation, a step beyond what is absolutely necessary, might carry them from security to ruin. The most cautious and considerate deliberation was necessary; the *ignis fatuus* of private judgment was little to be relied on in a discussion of so important a nature. The question was, whether there existed a necessity for issuing a commission in the King's name, under the Great Seal, to pass a Bill for the establishment of the Regency? This point he would discuss with all the lights he had derived from his imperfect study of the Constitution. When the two Houses were deprived of the aid and co-operation of the third branch, they were not a Parliament, but incompetent to the exercise of any one act of legislation. So situated, they were, he thought, by no means justified in using the King's name, to a commission for giving the Royal Assent to a proposed Bill. In filling the vacancy now existing, the rules of hereditary Right ought to be reverted to; that hereditary Right which had been found an effectual bulwark against the encroachments of ambition, and the intrigues of faction.

The person who stood next in succession, provided he were of full age, was as much entitled to the Regency, during the Sovereign's incapacity, as he was to the Crown in case of a demise. But this doctrine had been peremptorily denied by the Right Hon. Gentleman opposite him, who had asserted, that an equal
Right

Right to the Regency exists in every individual of the nation; and who, in affirming the sentiment, had aimed a stroke at the Constitution of the country. If the Royal Assent was wanted, who had so great right to give it, during the King's inability, as the Heir Apparent?

But who were they that had set themselves up as arbiters on this occasion, in despite of the Statute of Charles the Second, which made such a declaration liable to the penalties of a *premunire*? the two Houses of Parliament had declared their right to legislate. It was intended, he had heard, to set up a man with *black eyebrows and a large wig*, a kind of scare-crow to the two Houses, [Mr. Burke was here supposed to mean the Lord Chancellor] who was to give a fictitious assent in the Royal Name; and this to be binding on the people at large! In spite of right, reason, and analogy of law, they declared their positive determination to elect a creature of their own, and to invest it with the *insignia*; but without any of the intrinsic power of Royalty. This attempt, which wanted the daring spirit of a robbery, had only the creeping meanness of low forgery. The contrivance which was thus set up, in lieu of a third Estate, was a fiction, a *chimera* more extravagant, than poets run mad had ever dreamed of! Instead of a King, active and efficient, it presented them with a mixture of absurd mechanics, and more absurd metaphysics? It was a *screw-press*, a *lump of copper*—a *small quantity of wax*, and a *shred of parchment*, altogether constituting what was termed the *great seal*!—The *fiction of law*, by which it was to be supposed a KING, was a *falsehood*, that could not impose, even upon his imagination. He could not approve of law metaphysics, still less of law ethics, or of law divinity. He, for his part, disclaimed all allegiance to such a political monster! If any substitute was to be placed in the room of the Crown, it should be what was a *parcel* of the Crown; it should be that person, who, in contemplation of law, was frequently reckoned one person with the Sovereign, and that was the Heir Apparent.—If he was to bow down and worship, it should be to something like a Deity; he would not prostrate himself before a *priapus*, a low creature, that might have been made from a *Bench*.

Cum faber incertus scannum, faceretne priapum.—

The farce reminded him of a priest among savages, who raised an idol, and directed its worship, merely that he might secure to himself the meat that was offered as a sacrifice.

After stating how ridiculous every mode must appear, which had not the establishment of the Prince's Rights for its immediate object, Mr. Burke asked, what the reason could be for an opposite conduct? Was it lest the Prince should refuse his assent

to any restrictions hereafter to be proposed? Of that, in his capacity of Regent, there could be little dread; William the Third, and George the First, the Second, and Third, had successively given their assent to the same. But why, in that case, were those proposed restrictions kept a secret! Were they so monstrous in their nature, that no person but the proposed *parliamentary puppets*, could give them his assent? and that they must, therefore, *resolve* themselves into a *Republic*, for the purpose of depriving the Crown of its judgment and its reason?

The ridiculous research after precedents, fitter for antiquarians than for members of Parliament, was the next object of Mr. Burke's satire. Those precedents, he observed, were drawn from times when the Speaker of the House of Commons had been carried to the King's Bench prison. The doctrine of *constitution* had also been carried so far; that it was to be feared, when the lawyers had made out a constructive King, they might also introduce a constructive House of Commons; and proceeding in the present line, it was not impossible—that they might see their Speaker taken from his chair to prison, and let out on a day-rule to give the assent of an empty House of Commons, to any ordinance that might be proposed to him at the bar of the other House!

They had, he said, compiled together a string of these precedents, from the most obscure and unsettled periods of the monarchy, and even these were not to the point. In any of them he would ask, had a Prince of Wales, of full age, and possessed of every qualification to discharge the functions of the executive power, been passed over, and another Regency appointed, in case of incapacity or lunacy in the Sovereign on the throne? He believed, that no absolute design had been entertained to throw him openly by, and to proceed to the immediate nomination of another Regent; but did they not wish so to clog the office, with humiliating restrictions, as to make it impossible for him, in honour, to accept it, and thus, that it should devolve to another person? and was it not this further confirmed, by the declaration made by the Minister, that any other subject, as, for instance, the Minister himself, would have an equal right to set up his pretensions to the Regency, with the Prince of Wales? They had formerly worn Toryism down to rags; now they disgorged all the principles which they had imbibed, and instead of professing their value for a limited Monarchy, became fifth Monarchy-men, and the wildest of Republicans.

The Restoration and the Revolution, had been among the precedents adduced. But surely the case was not the same now, as at either of those periods: the government was then not merely convulsed and disjointed, but annihilated and reduced to atoms. But how did our ancestors act on the memorable occasion

sion of the Revolution? In each of these, their first object was to return as soon as possible, after their first obliquity, to the straight principles of the Constitution; they did not change the form of Government into an Aristocratic Republic, but they considered the formation of the old world, and moulded the new one on the model of it. They, in the first place, filled the Monarchy that was then vacant, by addressing the Prince of Orange to assume the Crown. The Monarchy is at present not vacant, but the exercise of its powers is suspended. What then would they do, if they argued from the analogy of that precedent? They would address the Prince of Wales, to assume the office and the name—not of King, but of Regent. The Revolution, indeed, was an admirable precedent, and a noble example to Kings: it was a warning, and seemed to cry out to them,

Discite Justitiam moniti, et non temnere Leges.

The only rule for our conduct was in the observation, that they were too convinced of their precarious power, to dwell on any thing like the madness of a speculative proposition.

The manner, Mr. Burke continued to remark, in which the three Resolutions had been proposed, was suspicious and improper. The first had no sooner been voted, than the second was brought forward as a sequel to it, and the third as an appendage to the second; yet these Resolutions were of very different import, and should not thus have been huddled together. There was no manner of natural succession between them; though taken together, they went the length to suspend the succession of an hereditary monarchy.

The Resolution now before the House, was connected, he observed, with those that preceded, not so much in logical construction, as by forming a part of the same system of policy. It was couched however in the finest words possible. To preserve the Constitution inviolate was its ostensible* purpose; but as far as it could be comprehended by his understanding, it went first to *suspend* and then to *transfer* the monarchy! to tear the temporary diadem from the brow of the rightful claimant, and to place it on the head of *another person*! It was as if, in the case of a private succession, the owner of the estate becoming distempered, were to find on his recovery, that instead of its being in the possession of his son, it had been seized on by the rapacious hands of his *Steward* and *Attorney-at-Law*?

[*This allusion, which created much risibility in the House, was supposed to be directed to the Lord CHANCELLOR and Mr. PITT.*]

This was to break down the barrier between the Sovereign and the subject. To admit the introduction of a subject within a single chink, would lead the way to destroy the whole chain of

suc-

succession. The expression of "*devising means*," which he found in the Resolution, was one he did not relish. Why set about *devising means* to fill up the succession, when the only natural, proper, and constitutional one stared them in the face.

The present measure appeared to him, he said, as an attempt to refine on the constitution, which was already sufficiently good in his opinion. Of that constitution, hereditary monarchy, as circumscribed by laws, written and unwritten, was in fact the vital principle—that was the rampart against the assaults of ambition—it was the rock on which each rising wave was broken and dissipated—it was the part of the system, which, by removing the temptation, sustained the pre-eminence of the constitution. It would be the business therefore of those who meant to act against the law, to destroy those laws which would otherwise destroy them. They would direct their efforts to form new tribunals, such as was in fact the commission now proposed. They would, in the language of the present Resolution, devise the means of bringing in their own innovations!

But were there no means to be adopted without flying abroad in search of dangerous novelty? Was there nothing to be found for their guidance in the act of settlement? Was there nothing in the oaths which each member had taken, on his admission into that House? Were they, as if in the wilds of Africa, driven to the necessity of laying the foundations of a new Republic? To these enquiries, the answer was decidedly—No!—From whence, then, it was to be asked, sprung these novel proceedings? Or were they not meant solely to exclude the Heir Apparent from his proper claims? If the attack was meant to be made on the privileges of the crown, let the assault be bold and manly! Let it be made when the regal functions were alive and energetic; not when, as now, they lay in a *delinquium*—in a trance. Let not the attack be made on him who, if the death of the body were as complete as that of the mind, would be our King by the best of all possible claims:—would be our King by *Lineage*, and our King by *Love*!

How could they hesitate a moment, when there was a numerous royal line, and a Prince at the head of it, full aged, and no wise incompetent to assume the exercise of that power, which they were going to assign over to a being of their own creation.

The Right of the Prince of Wales had (Mr. Burke continued) been very unnecessarily forced-into debate. It was altogether unprecedented, he said, that a mere word, dropped by a Right Hon. Gentleman, had been made the foundation for a Resolution of such great importance as the second Resolution in the Report; from which the Resolution, now under debate, flowed as a kind of corollary, according to the Right Hon. Gentleman who had moved them; though he was not inclined to adopt that opinion.

opinion. It was reserved, he said, for the present period, ~~to~~ make a mere individual's words of such consequence as to be the ground-work of a formal Resolution of both Houses of Parliament.

Whether the Prince had an absolute inherent Right, or was in such a situation that he could not be passed over, was a distinction in which he could not perceive any essential difference. But the Right Hon. Gentleman opposite, could not resist his inclination to make it a personal question; it was a dish that had been reserved for his Right Hon. Friend, and he hoped that he would feast and diet upon it. However, he should say nothing, either in his praise, or his defence; in the first place, because his character was so well known, and in the second, because the pyramid of his abilities did not require the interference of the very small skreen, which he might bring forward to vindicate or protect it.

Those Resolutions had always been looked on as dangerous; insomuch that Sir George Saville, when pressing for a declaration on the subject of General Warrants, thought it necessary to explain, by saying, the House was not called upon to declare the law, but merely their *sense* of the law. So averse, he added, were the two Houses, not long since, to such a measure, that when, in the year 1776, Mr. Alderman Beckford in that House, and a noble Lord in the other, had, on a proclamation having been issued by the Privy Council for the importation of corn, declared their sense of the King's dispensing power; the words of the former were taken down until retracted, and the oratory of Lord Mansfield was fulminated against the latter; but in neither instance was any idea entertained of a declaratory Resolution.

With respect to the right of the Prince, he would not now enquire whether it was a right *ad rem*, or *in re*—whether it was a right of entry, or a right of action; but a right of some kind must certainly exist in the contemplation of the Gentleman opposite him, who had declared the throne *vacant*.—A cry of *No! no!* coming from the Ministerial benches, Mr. Burke said, that he understood it had been so admitted. But if they even urged that, after the unnatural union of a living body and a dead understanding, the political capacity was still to exist in the same manner, and that the animal, not the man, was to be regarded, it still made little difference in the arguments. It was still to be asked, what injury would result to any branch of the constitution, from the admission of the Prince's right. The opinion of his Right Hon. friend was still more safe, than that of those who to *enforce a theory*, would convulse an empire.

Mr. Burke next considered and condemned the illiberal policy, that had suggested the proposed restrictions, particularly in depriving the Regent of the power of creating peers.

There

There might be some appearance at least in this proceeding, if the man who proposed those limitations, had himself observed any restraint, and had not made his peerages, like packed juries, by the dozen!—But even if the Prince was inclined to shew his friendship to those, who had loved and cultivated his intimacy; if, for instance, he were inclined to bestow a peerage on any of the young Princes—if he were to bestow a mark of his favour on the illustrious house of Cavendish—or to revive the title of the Marquis of Rockingham in the person of a near and illustrious relative (Lord Fitzwilliam): this could, in his opinion, furnish no good reason why the Heir Apparent should be deprived of his rights, or meet such as these, included in the *bead-roll* of *proscription*! Mr. Burke mentioned the early ebullition of loyalty in the late Marquis of Rockingham who, when a boy, ran away from his parents to General Honeywood's camp, that he might go and fight against the rebels. Mr. Burke said he could mention several others, on whom should his Royal Highness be pleased to confer a peerage, it would not be a sufficient reason to disgrace him. The late Prince of Wales, the father of his present Majesty, it was well known, had at all times his court full of *Jacobites*, and yet on his nearest prospect of succession, no Sylla was then found to menace such a curtailment of his rights!

[Here Mr. Burke being interrupted by the noise of the opposite side, observed, that if they prided themselves in that clamour, it was no more than what he had often known better executed by a pack of fox-hounds. This observation, as it might be supposed, excited a good deal of mirth.]

Proceeding with his argument, he said, that inconsiderable as he was, he should feel it as a kind of mortification, if the road to honour was shut up from him. He should think it an unfair kind of proscription, like that practised by Sylla. While the Gentlemen over against him had access to the fountain of honour, they had not been sparing in their draughts. But when this was no longer open to them, they were determined that it should be shut up from all others. The Minister seemed to invite his associates, and to encourage them to hope for better days, than those they were likely soon to experience. I shall keep all these good things locked up safe for you —

Condo & compono, quæ mox depromere possim.

But there certainly could be no good reason for this reserve, of what was deemed the necessary power of the Monarchy, for weakening a Government; unless the exclusive possession of all the great offices of trust, among one set of men, could be called so. It would not tend to promote domestic happiness, and was
not

not calculated to increase our respectability, or our strength, with foreign nations.

Mr. Burke concluded with some hints, as to the danger of retrenching the regal powers, even to the convalescent sanity of the Sovereign. The caution necessary to be observed on this head, would naturally prolong the term of the Regency; and Gentlemen should consider, that with the limited powers now proposed to be given, the balance of the three estates would in that interval be totally destroyed.

The design, in the proposed diminution of the Regent's power, was so palpable, that it could not be misconstrued.—A weak government was to be established, under the Regency, for the purpose of gratifying the ambition of those persons; the hands of the Regent were to be tied up for the sake of preserving honours and emoluments for their friends, in case of their return to power; and as one King had been disabled by *nature*, another was in this manner to be disabled by *art*!

If the Regency, as his friends contended, could be conferred but on *one* candidate, then there might indeed appear some reason for these restrictions; but, as other Gentlemen contended, the place was *merely elective*, why take so much pains, and why not select a candidate perfectly obedient to their will?—If, as some legal Gentlemen had said, this was done in respect to the situation of his royal father, and in the expectation of his restored sanity, then the latter, whenever Providence, and his returning reason, made him conscious of the mockery, might address them in the words of Shakespeare,

“ *You placed a fruitless Crown upon my head,*

“ *And put a barren sceptre in my gripe,*

“ *Thence to be wrench'd by an unlineal hand,*

“ *NO SON OF MINE SUCCEEDING!*

When he should see his authority vested in a stranger-hand, and his next of blood, displaced from that efficient authority which he should possess, he could but exclaim, “ Restore me to my former state!—why did you recall me from the delusion?—*Erat mentis gratissimus error*; but clear my throne at all events, and take that *black-brow'd* phantom from my sight!”

This led Mr. Burke finally to consider the possible time of continuance, and the probable *degree of cure* of his Majesty's disorder. He seemed to hint, that even if a cure were effected, there might not be much confidence in it. In this respect, a Monarch stood in a very different situation from a subject. The rational faculties were not of so gross a composition as the corporeal frame, and did not so perfectly recover from a shock. He concluded a speech of much brilliancy, and of some inequality, with

with an observation on the self-assumed integrity and patriotism of Mr. Pitt; who took great merit to himself for not having secured a pension—that might be an argument for his exemption from avarice, but not from ambition.

The *Solicitor General* rose, and after many professions of respect for the last speaker, said, that he was greatly surprized to hear any such suggestion had been thrown out from any side, as that the throne was now vacant. He urged the expediency, as well as the propriety, of adopting the mode of procuring the royal assent, proposed by the Chancellor of the Exchequer, declaring, that from some of the arguments he had that day heard, a doubt had arisen in his mind, whether the Right Hon. Gentleman did not mean to sacrifice the Constitution. He asked, would any man dare to put a question, whether the King yet sat on the throne or not? For his part, he was determined to support the law, because the law supported the King on his throne. He would not contend, that no person of the royal family had then a right to the throne—a doctrine which had been attributed to his side of the House—but he would assert, that no person had at present a right to it, *save one*—that *one*, he would contend, was not now in contemplation of law *incapable*, though the functions of the kingly character, were at present impeded. The throne was at present full of the Monarch, and no man dared to say, that his Majesty was deficient in his politic capacity. He therefore should vote upon the simple ground of preserving the forms of the Constitution; and be it remembered, that upon the preservation of the forms, depended the substance of the Constitution. With regard to the pageant and the puppet that had been talked of, King William submitted to be that puppet, and if he had not, he could not have had the crown. He had heard a great deal about limitations, but he would not say one word upon that subject then; when it should come properly under consideration, he would freely speak his sentiments upon it. From what he had heard from the noble Lord in the blue ribband the other night, it had given him the comfortable hope, that if the noble Lord had ever forgot his Sovereign, the noble Lord would not now forget him. He adverted to what had fallen from Lord North last week, relative to the precedent in the infancy of Henry the Sixth, when the noble Lord had declared, that the Parliament then assembled, though the Great Seal had been put to the Commission, by a babe nine months old only, was a perfect Legislature, consisting of King, Lords and Commons. It had been said on a former day, that if the two Houses could do what was proposed, they could do any thing; if they could go so far as to procure the royal assent, in the way before stated, to the Regency bill; they might proceed to pass other bills in the same way: but this was neither a just nor

a fair conclusion; it was a maxim which ought to be attended to, that the right which is created by necessity, is also limited by the same necessity; consequently they were to provide merely for the necessity of the case, and not go beyond it. As a justification of the use of the Great Seal in the King's name, he observed, that, notwithstanding his Majesty's temporary incapacity, in the eye of the law, his politic character remained entire; that any measure taken to subvert or act contrary to that acknowledged maxim of law, would perplex and embarrass the consciences of the judges, who were to declare the law, and that, on this ground, there would be no illegality in applying his name to the bill in question. No Regent, he was persuaded, could be legally appointed but in this way. He defined the rights of the two Houses, and spoke of the last Regency bill in 1765, for the security of the hereditary succession, and to guard against the danger of the Crown's devolving into the hands of an infant. He said, he saw some Gentlemen present who at that time sat in Parliament. He appealed to them therefore to know, whether or not it was their meaning, when they passed that bill, to clothe the Regent with all the powers of a King? The succession to the throne was undoubtedly hereditary, but the exercise of the government, the wisdom of ages had left to other times to provide for, when a necessity like what existed at present should occur. However, all might reprobate the precedents that occurred in the reign of Henry the Sixth, the two Houses then, provided for the exigency by forms, they put in a puppet, and gave that puppet powers, extremely short of the powers of a King. A Regent was then appointed, as now, by the two Houses, nor could a Regent ever be appointed but by the two Houses. If a Commission had been made, before the two Houses met on the 20th of last month, to open the Parliament, he was of opinion, that it would have been legal. Those who asserted, that the quick and short way of making a Regent, was the best way of making a Regent, it was they who, in fact, declared the two Houses could make laws. They might talk what they pleased of legal metaphysics, the law was as he had explained it, and he could not help taking notice of a question, that had been put to him by an Hon. Gentleman, a worthy friend of his, whose mind ought to have been more full of the legal entanglements, as they had been called. That Hon. Gentleman had said, that if they could, by putting the Great Seal to a Commission, make a Legislature, why had they not dragged the Thames for the Great Seal at the Revolution, and then they might have gone on passing bills without calling in William and Mary? He would tell that honourable and learned Gentleman, that let the throne be vacant, and he cared not where the Great Seal was. When the throne was vacant, every function of the executive Govern-
ment

ment was at end; the Courts of Justice did not sit. Whereas, at that moment, let Gentlemen recollect the Courts were sitting, and the Judges proceeding upon that very maxim, that the political capacity of the Crown was entire. William, the great Deliver of the nation, was not ashamed of being the puppet that had been described. At the Revolution, the nation resolved on what they would have, and Parliament, after the legislature was complete, thought proper to make an act, declaring that all was right. Sir John said, he was not to be told that they would do every thing, because they were endeavouring to adopt the constitutional mode to make Parliament complete. He added several other legal arguments, and concluded, with protesting solemnly, that the opinion that he had given was from principle, uninfluenced by any motive, but a regard for the Constitution, and a reverence for the wisdom of ages, on which he advised the House to act, by voting the original Resolution.

Sir John Aubrey then rose, and said, upon the present occasion, I find it impossible to discharge my duty as a Member of this House, without, in some degree, differing from those with whom I have for some time acted.

I concur with them in rejecting the doctrine of a Regency *de jure* in the Heir to the Crown; because it is against *precedent*, and against *the law of the land*, and was so declared in Parliament, in the reign of Henry VI. In fact, as I see the subject, it is *no case of Regency in any person*, except as the *whole* Parliament shall think fit so to treat it. The law of England, as I have been instructed, acknowledges neither infancy, nor delirium, nor any personal infirmity to belong to the King upon the Throne, (for, in this respect, law only refers to his political character), and supplies him with Councils, to enable his acting politically, even when naturally he is most incapable.

But, I *do not concur* with them in thinking the House, at this moment, competent to exercise any of its parliamentary functions, more especially its legislative one; or to do any thing tending to such an exercise. The King has not yet appeared either in his person, or by proxy, that is, by a Commissioner representing him. I take it to be the essence of Parliament, that the three branches of the legislature should be assembled, before one begins to act. But only two are now met, the first of the three being absent. Till this first branch shall appear, I agree with the sentiments contained in a very recent publication, by one, whose authority, is so justly and universally acknowledged, as a well read and consummate lawyer, and with whom I have the honour to be connected by friendship, that without the King, we are only a Convention; and, in the present case, there is no necessity for resorting to a mere Convention of the two Houses. The King's person may be constitutionally supplied by a Commissioner; and

that representative, in the present extraordinary situation, will, in point of propriety, be the Heir Apparent to the Crown.

Till this chasm in Parliament shall be filled, I cannot assent to joining in any vote, or any other business of the House, beyond voting for a previous question, or some other question tending to prevent our further acting as a House. When this chasm shall be properly filled up, when the Parliament shall be full by a representation of the King, I shall cheerfully and heartily concur in the seemingly general sentiments of making the Heir Apparent *sole Regent*.

As far also as my consideration of the subject hitherto can entitle me to speak, I confess that I am not in the least disposed to adopt those restrictions, which have been opened to the House, as probable parts of the intended Regency Bill. I dread the effects of a *distracted, curtailed, and, consequently, enfeebled executive power*. I wish sincerely to join in every proper respect to our most gracious and afflicted Sovereign, and in *providing every security for his returning to the personal exercise of his authority, the moment his present calamity shall cease to operate*. But I cannot think that the proposed restrictions would be approved by himself, was he restored to his former health. From his known love of his country, and from that liberal benignity of mind, which soars above the flights of envy, I must presume, that he would not wish to encrease the public distress from his present afflicting malady, by rendering the Heir Apparent to his Crown, and his intended Representative, less capable of performing the whole of the Royal functions, than he himself was, before the commencement of his illness.

The argument for restriction proceeds upon a supposition, which might warrant *future permanent* restrictions upon the executive power. If the Heir Apparent is not fit to be entrusted as a temporary Representative for his father, it claims from us restrictions to check the Prince, when he shall have the executive power as a principal, and in his own person. Had he committed any overt-act, indicative of a disposition to abuse the Royal Authority, he ought to be equally restrained in both cases. But, to restrain him in either case, without provocation, strikes me, as unjust to him, and dangerous to the state over which he is to preside for his father. In truth, the argument for restriction of the Prince as a Regent, seems more to favour of prejudice against a particular party in the State, than to concern the general and public welfare. And though I not only stand unconnected with that party, but have severely suffered by their violent opposition to the choice of me by the county, for which I sit in Parliament as one of its Representatives; yet this remembrance avails not, to influence my opinions upon so momentous a business, as that which now calls for our decision.

Such

Such are my general sentiments upon the present important crisis. They were the same when we met last Tuesday, and I then meant to have declared them. But, in the early part of the debate, I found no opportunity of addressing the House; and I was forced by the remnant of an illness, which has long had possession of me, to leave the House, without waiting either to declare my opinions by speaking, or to act upon them by voting.

Lord North said, he had listened, the last time he was there, with great attention to an Hon. and learned Gentleman. He expressed much surprize at what had fallen from the Hon. Gentleman, respecting the position which he had laid down on Tuesday evening, and which position he would now repeat. He then had said, that a Regency could never be established without the concurrence of the three estates. This, it appeared, the learned Gentleman had interpreted as an opinion in favour of the new commission. He agreed, his Lordship said, with the Hon. and learned Gentleman, that they must restore the third estate. He wanted to see King, Lords, and Commons once more; but he could not think Lords, Commons, and the Great Seal, were the three estates. He wished for three real estates, not three estates, made up by forms and fictions of law.

He knew not much of the Hon. and learned Gentleman who spoke last but one, but by character. No character, he understood, ranked higher in his profession than that Hon. and learned Gentleman; he had that night laid down many excellent, good, and true maxims, but he was sorry, after maxim had followed maxim, at last to find, so impotent and inconsistent a conclusion drawn from the whole series. The Hon. and learned Gentleman had said, the two Houses were assembled, to restore the third estate, and that what necessity creates, necessity limits. He admitted that it did so; then what had they to do? They had declared the defect in the exercise of the Sovereign Authority; what remained but to supply the defect, and to do no more? The necessity of the case, according to the Hon. and learned Gentleman's maxim, commanded them to go no one inch further; if they did, they usurped the prerogatives of the Crown, and would become themselves the third estate. There were, he observed, two ways of filling up the vacancy, one plain, clear, simple, and short. There was a person plainly pointed out by the universal consent of all men, as the only person fit to represent the King. Declare that person Regent, and give him the government of civil and military affairs. The other, that the Lords and Commons should determine on the means to supply the deficiency. His Lordship here repeated the words of the Resolution, and said, the way the Right Hon. Gentleman and his friends meant to carry that Resolution into effect, would be for the House of Lords and Commons to pass a Bill; which Bill was to receive the Royal Assent from a person not invested with the powers of a Regent, but merely appointed by

them to give the Royal Assent to their own act. There did not appear to him, that when that was done, there would be three estates; there would be only two. The Lords and Commons, and their deputy; without discretion, without any of the powers to dissolve, or any other of the functions of the third estate; in fact, therefore, the whole Legislature would consist of Lords and Commons only. The mode now proposed by the Resolution before the House, was to set up a person to represent the Royal Person, without any deliberative power, with only a ministerial authority, a tool of their own, a creature of the two Houses, that must act in subservience to them. Would they call that enacting a law by the authority of the three branches of the Legislature? It was no such thing, and the fiction of the law, by which it was assumed, was an abomination, and an absurdity. An Act which had the Great Seal affixed to it in this manner, was an act only of the two Houses; or, if they will have it so, it would be the act of the House of Lords, and the House of Commons conjunctly. The person, who is employed to give, what is called the Royal Assent, is their own agent, their own *nominee*. He has no powers, but what he derives from them, he acts through their authority; and there is a maxim in law, *Qui facit per alium, facit per se*. He acts under the direction of the Lords and Commons, and, therefore, is subordinate to them. His Lordship illustrated this part of his argument, by a pleasant anecdote. He did not wish to be ludicrous, on so solemn a subject, but the only mode of reasoning, at all resembling this, was the famous cause, Stradling *versus* Stiles; reported by Martinus Scriblerus. The cause was as follows: Sir John Swale had bequeathed to Mr. Matthew Stradling all his black and white horses, and Sir John left behind him six black horses, six white, and six pyed horses. Stradling claimed the whole, and reasoned thus; the black horses are mine, because they are black, and Sir John left me six black horses; on the same principle the white horses are mine, and again, I contend, that the pyed horses are mine, because Sir John left me all his *black and white* horses. In like manner, the three estates of the legislature were to be made out; first, there was the House of Lords, then there was the House of Commons, and then there were both Lords and Commons.

The Hon. and learned Gentleman had said, the forms of the Constitution were the substance of the Constitution, if so, could they introduce the forms to destroy the substance? His Lordship declared his quarrel was not with the Great Seal, but with those who would not allow them to have any thing else. He wanted a real existing third estate, capable of exercising its functions, capable of using its discretion, capable of preserving the balance of the Constitution. Let the House turn to the period that had been so often mentioned, the Revolution; let them look at the

Bill of Rights, they would see in the body of that Bill, a Declaration of Rights which the two Houses had come to, and sent to the Prince of Orange, as their claims of established Rights, and as the condition of his having the Crown. The two Houses had only declared, and prepared such a claim, but had no power to enact it; nor did they enact it till the third estate was added. The same line of conduct ought to be now pursued. They ought not to think of enacting any thing like a law, till they had supplied, not with a meer man of straw, a tool of power, a puppet, a creature of their own, but with a substantial body, the vacancy in the executive department. The Hon. and learned Gentleman had dwelt on the perfection of the King's political capacity; but if that idea served as the foundation of a commission under the Great Seal for passing one bill, as if the Throne was completely occupied, it might be carried to a much greater extent; and they would have no occasion to think of supplying the vacancy. If it was to be filled up, let them adopt the simple mode of acting, recommended by the Hon. Gentleman's amendment; let them address the Prince of Wales, desiring him to take the reins of Administration in his own hands; and then would be the time, after the Parliament should have been regularly opened, to propose any bill that might be deemed necessary, with regard to limitations or restrictions. His Lordship said farther, that as soon as they had appointed the Regency, and rendered the legislature complete, it would be their duty to take effectual care that his Majesty, as soon as God Almighty should be pleased to restore him to his people, might again resume his powers. They would have further to provide for the care of his Royal person, and he held it as a clear line of policy, that the Regency and the guardianship of the Royal Person should be in different hands. In the Bill, that the two Houses might adopt for such purposes, could be included every restriction, thought necessary to be proposed by that House, and to what the two Houses should agree, there was not any probability, that it would not receive his Royal Highness's Assent. Had not his Royal Highness given every favourable intimation that could have been expected, of his love and reverence for the Constitution, in the message that had been, with his authority, delivered in the Upper House? or, if they could not depend on the inferences, that might be drawn from his past conduct; was there any reason to apprehend, that a Prince of the Brunswick line, would, when Regent, exercise any of the harsh prerogatives; when none of the Kings of that family had been culpable of any such ungracious conduct, since their accession to the Throne of these realms. The negative power was certainly vested in the Monarch; but had there been an instance, since the Revolution, of its exercise, without the utmost necessity? In the whole reign of King William the Third, it had not

occurred once, and, it is not to be imagined, that any Minister would have the temerity to advise his Master, to a harsh or ungracious exercise of that almost exploded branch of the Prerogative. As to the apprehension of a dissolution of Parliament, that could have still less real foundation in truth. Gentlemen must be sensible, that it would require money to carry on the business of Government; and if the Parliament was dissolved, *where could the Regent draw the supplies.* The circumstances of the times corresponded with the character of the Prince, to avert the apprehension of any violent measure. His Lordship then took notice of some of the metaphysical notions, and fictions in law, of the Solicitor General. He observed, that between *physics* and *metaphysics*, they were strangely confounded. The physicians assured them, that the King was *incapable*; the metaphysical lawyers, that he still retained his entire capacity. Such were the differences between the Gentlemen of the red and the black robe! His Lordship, after a short panegyric on the present conduct of the Prince, concluded, with observing, on the ungracious appearance, the proceedings of the House must have to his Royal Highness, and by declaring himself for the amendment.

Lord Fielding rose immediately after Lord North sat down, but the House was so disorderly, that he could not at first be heard so distinctly. Enough of what his Lordship said, however, was collected, to understand, that his Lordship reprobated the Resolution as originally moved, declaring that it would form a dangerous precedent to future times. As Archimedes once boasted, that he could move the world, if he could get another to stand upon; so a bad Minister, with such a precedent in his possession, might make it the means of subverting the Constitution. His Lordship gave it, as his opinion, that an immediate declaration should be made of the Prince of Wales, Regent. They had not, he said, any reason to distrust his Royal Highness, or to imagine that he would not submit to any restrictions or limitations that Parliament might think proper to impose, after the Legislature should be complete.

At the period of the Revolution, a confidence had been placed in the King; nor was it till after he had been declared King, that the Bill of Rights, and other settlements and securities of our liberties were adjusted, and passed into laws, and, surely, the chance of his Royal Highness's submission to the will of Parliament, after the gracious declaration that had been made from such high authority in another place, was much greater than that of the Prince of Orange's consenting to give the Royal Assent to the Bill of Rights had been.

Let Gentlemen consider the difference of the two characters. The Prince of Orange was a foreigner, and had an army of foreign troops in the kingdom, and the greatest part of that army near London.

Whereas

Whereas the Prince of Wales, was a Prince born among us, whose filial tenderness, and natural goodness of heart, had already endeared him to all who knew him, and gave the best promise of his being as anxious, with the Legislature, to secure his father's rights, as that or the other House of Parliament could wish or expect. His Lordship declared he should vote for the amendment.

Mr. Fox then rose, he expressed some regret at not having spoken after the Solicitor General, when the words of that Gentleman were fresh on the minds of his hearers. He had delivered, Mr. Fox said, many excellent maxims, which he should not only admit, but contend for, as making strongly for the argument which he had now to propose. Two of these he should press most particularly on the attention of the House. The first was, that the Right which necessity creates, it also limits—a position which held good not only in this state, but in every other, framed on wise principles. Another was—that we should not, in many instances, consider what the law ought to be, but what it *is*.—But with respect to the *forms* of law, which had been mentioned with so much respect from the same quarter, he had ever regarded them merely as the *guards* of the substance; but, whenever they departed from that secondary office to a principal, they were no longer entitled to his respect; it behoved them, to watch them with a jealous eye, and to see that they were not used to betray the Constitution, and thus the substance be given up, while the forms were preserved with a scrupulous affectation.

In proceeding on this measure, he observed, there were three courses which might have been taken, including the one now before the House, which he would undertake to prove, was infinitely the worst that could possibly have been adopted! The first of these was suggested by the forms pursued in the first year of Henry the Sixth, a precedent which had been so often quoted; he would accept of it as being nearly similar, though not completely so; there was much difference between a *minor* and an *insane* King; and, as a learned friend of his (Mr. Anstruther) had observed, there were many acts to which the former was competent, and which the latter could not possibly perform. The mode, then pursued, was by granting a commission under the Great Seal, to the heir *next of blood*, empowering him to *convene* the Parliament, with all the regal privileges annexed to that act, of proroguing, dissolving, &c. This was, in his opinion, infinitely a more eligible manner of attaining the Royal Assent, than that now adopted: in the one, the assent was obtained by a *fair fiction*, in the other by a *low fraud*. The consent to be given, naturally, implied its opposite, and no consent could be alledged as fairly given, when there was not, at the same time, an opportunity of dissent!—Two circumstances were always to be inferred from

from this and other precedents of the same date,—that the Regency was ever conferred on the next of blood—and that it was then given, with the power he had stated, in all its plenitude. Little could be drawn from the limitations afterwards laid on the Duke of Gloucester, which sprung not from the reason of his situation, but from the exigency of the moment. The whole of the transaction was worth some degree of contemplation. On the demise of Henry V. the Crown devolved to his son, an infant of only nine months old. On the death of his father, the Council, at that time in existence, repaired to the infant King, and the Bishop of Durham, then Chancellor, delivered the Great Seal; not, he supposed, into the personal hands of Henry the Sixth, because he could hardly be capable of receiving it. The Duke of Gloucester, the nearest of kin to the King, took the Seals, and delivered them to the Master of the Rolls, directing him to put the Great Seal to a Committee, appointing him Protector, in the name, and on the behalf of the King; also to a great variety of commissions, and to a number of writs, summoning a Parliament to meet at Westminster. In that Parliament, one of the first things done, was to pass an Act of Ratification and Indemnity, for having summoned a Parliament in that manner, and to declare it a legal Parliament. Here then was a regular Legislature, which recognized the third estate, in the person of the Duke of Gloucester, who represented the Crown, and had all the powers and prerogatives in their full extent, in like manner as if he had been the Sovereign; and, it was observable, that such was the responsibility annexed to the Duke of Gloucester's high office, that amidst all the various acts of indemnity, passed by that Parliament, the Duke desired no indemnity for having thus employed the Great Seal. This instance clearly made not in favour of the amendment moved by the Hon Gentleman behind him, to address the Prince of Wales to take upon him the Regency; but, at the same time, it went directly against the Resolution, as originally moved by the Right Hon. Gentleman, because, by that they were called upon, to set up a pageant, without the exercise of the right of discretion, in giving either an assent to a bill, or a dissent from it; a mere puppet, a creature of the two Houses of Parliament, directed to obey them, and obliged, without any discretion, to give the assent to such bill or bills as they should think proper to pass. The other precedents, in the reign of Henry the Sixth, were those of the 32d and 33d years of Henry, when, through a temporary infirmity of the King, the Duke of York was appointed Regent. Mr. Fox commented on these two precedents, and shewed, that in both, there was an actual third estate, exercising all the discretion as to the giving the Royal assent or dissent, enjoying the power of dissolving, proroguing and convening Parliament. The remainder of that reign was not worth much attention.

tention. The Parliament, which could admit the King's capacity to govern, at the age of *nine* years, and, afterwards, deny the same at *thirteen*, could not be supposed to have acted without bias, or to exhibit a general rule in their conduct.

It was to be observed, however, that this business—the transfer of the regal authority, was, in those days, made by the Council, which was then an executive Council, or by the House of Peers, which, at that time, frequently acted in the same capacity.—The first time that it had been done, *auctoritate Parliamenti*, was in the instance of the Duke of York, and immediately after the battle of St. Alban's! when the sound of arms had been heard, and when sober deliberation had, of course been put to flight.

To avoid ambiguities, however, in this discussion, it became necessary to remark, that whenever he spoke of the two Houses acting of themselves, and without the concurrence of the *third* Estate, he should speak of them as the two Houses of *Parliament*; whenever they had the sanction of the kingly power, he should mention them as the *Legislature*.—This distinction, taken properly, would enable the House, puzzled as it had been in a maze of laboured intricacies, to distinguish fairly for themselves.

He then proceeded to animadvert to the Revolution, as a leading precedent in this instance, the circumstances of which he distinguished as applicable to the present case, or the contrary. The one was an occasion arising from the misconduct of an arbitrary monarch; the other a circumstance springing from accident. The one was an occasion, where wise men looking, of course, to the *end*, and indifferent about the *means*, made every form give way. They were afraid, lest a foreign invader might take advantage of their domestic discontents, and join an external to an intestine war!—All the actions springing, from such a fear, were, of course, inapplicable at the present moment, when no such assault was to be dreaded. He said, he should wholly lay out of the case, as inapplicable in point of analogy, all the circumstances of the alarm that prevailed, from the danger to the nation, of losing its liberties, religion and constitution; on which account the Convention set aside King James and his son, the Prince of Wales; did not appoint Queen Mary; and declared William and Mary, King and Queen; obviously for the reason, that he was the only person fit for them to choose, because he was the only person capable of defending their liberties and religion, and preserving the nation from the imminent danger with which it was threatened. At the Revolution the two Houses proceeded to declare William and Mary, King and Queen. They looked to the only Sovereign whom they could elect; and they proceeded not by mockery and fiction, but by an immediate address to the object of their choice.

The

They knew the distinction between the organs which the Legislature can use, and those which the two Houses of Parliament are compelled to employ. The former proceeds by act or bill—the latter, by address or declaration; and thus it was in the case now mentioned. A part of their grievances was stated as being violations of existing laws; another, as resulting from the inadequacy of the laws to the protection of the subject. Between these a broad line of distinction was drawn—they *declared* the former as matter of fact; they reserved the latter to be guarded against by the provisions of a future statute. An attentive retrospect to these cases would serve to shew, that the former precedents tended to sanction the mode which he had hinted at, of a commission granted to the Prince of Wales;—the latter cases went rather to justify the address proposed by the amendment—but the expedient contained in the Resolution was completely damned, by a comparative recurrence to either class of precedent!

The statute of the 13th of Charles the Second was positive in its tenor, that any person, mentioning the power of the two Houses to legislate without the concurrence of the Sovereign, should incur the penalties of a *premunire*; yet, in this instance, they were, in fact, to proceed to legislate—*without the King*. But whom, he would ask, was the person, appointed by the commission, to consult or to obey? Was he to apply to the Sovereign in his present state? He trusted, that such a thing would not be mentioned. Was he to consult with the council? No! there was no council at present. The two Houses of Parliament were, in fact, to legislate, and to perform between themselves the kingly functions.—The statute of the 13th of Charles the Second had been made for the purpose of condemning the conduct of the *long* Parliament, which had past so many ordinances without the consent of a legal Sovereign. But if Sir John Scott, said Mr. Fox, had been Attorney General at that time, instead of Sir Oliver St. John, the case would have been very different. The former would have certainly suggested the easy expedient of putting a *man of straw*, by a commission, in the place of the King; he would have issued every act in his name under the Great Seal; and who could then doubt their legality or propriety?—And yet, said Mr. Fox, if this were so argued in the House of Commons at that time, it is matter of doubt to me, whether the *tyranny* would have been looked on as more deplorable, or the *sophistry* more miserable.

The first alarm to war, in the preceding unfortunate reign, had been given by the notice that the King's messages were not to be received, but through that House. This was again contradicted in the Parliament of Charles the Second, by whom it was declared, that the King's authority should not be conveyed
but

but by himself or his deputy. This was a sufficient proof that regal authority was by no means so communicable as had lately been supposed. The distinction laid down by a learned Gentleman, required only to be more strictly analysed. If the House did that which was dictated only by necessity, the exigency of the case would be their justification; but if they went farther, the Judges would certainly not pursue, nor act according to their acts. But what was yet more, if they proceeded as a Convention, their proceedings were constitutionally limited to a declaration or address; but if they even erected themselves into a legislature, they could be controuled by no powers on earth, but their own temperance and moderation.

Having fully argued upon the precedents of the Revolution, and recommended it to the House, as a fit example for them to follow upon the present occasion; he said, he would admit, that, which ever way they proceeded; whether by address to the Prince of Wales, to take upon himself the Regency, or by adopting the method suggested by the original Motion.

It would, by him, be readily admitted, that the first act performed in such a case, must be necessarily informal; but they should hasten to recur from the winding path of novelty, as soon as possible, to the beaten road.—If the commission were given in the first instance to the Prince, then every part of the Constitution would be restored to life and energy:—in the other mode it would be totally incomplete in substance.—It was also to be considered, that *one* step in their return to the constitutional path was preferable to many, and that the *intermediate Regent*, now proposed, was a being unknown to the Constitution.

[Mr. Fox was here compelled to make an apology for not entering, at the length he had proposed, into the remaining parts of the business, his indisposition permitting him only to touch on the principal heads of his argument.]

With respect to the antecedent restrictions on the executive government, he admitted, that were they seriously intended, the value of their possibility ought to be minutely considered; but as he was of opinion, that they could not be made, without the assistance of the *Legislature*, he thought their discussion might be dispensed with for the present.

He enquired concerning the *Right* mentioned in the second Resolution, and where that Right was supposed to exist. Did it exist in the Legislature?—Of, that no person entertained a doubt, nor was any declaration necessary. Was it to rest in the *two Houses of Parliament*? Yes! for so it had been declared; but on a farther enquiry into their faculties, it appeared, that they could not appoint the Prince of Wales, until they had first erected themselves into a *Legislature*?—The question was modestly asked, in the first instance, *who* was to appoint the Regent?

The

The answer was—the *Legislature*: but gaining confidence, on the next question, *what* was the *Legislature*, the two Houses boldly replied—OURSELVES!

If any antecedent restrictions, Mr. Fox concluded with saying, were to be made, they might, with an obvious precedent, be made, as in the address to King William, in which all the declarations were included, which were afterwards conveyed in the Bill of Rights.—He was free to say, however, that he did not approve of this mode; and he admonished the House of the danger of flying, in the absence of a real, to an ideal power. Should they agree to the present Resolution, they would, undoubtedly, facilitate the way to all the inroads of usurpation, and lend an aid to hasten the destruction of a fabric the most beautiful, that human wisdom had ever reared, or long experience endeared to its delighted possessors.

The *Chancellor of the Exchequer* rose, and began with complimenting Mr. Fox on his having that day delivered his opinion, free from the smallest appearance of that asperity and warmth, of which he so frequently had occasion to complain; he assured the Right Hon. Gentleman, that he sincerely lamented, that the reason of his not having gone into so ample a discussion of the Question, as he otherwise would have done, was owing to ill-health; he wished to have had the Question sifted to the bottom, because he was convinced, that the more it was agitated, the more it would be found to be drawn, agreeably to the true fundamental principles of the Constitution. He said, he should have no occasion to take up much of the time of the House, because the true point of the Question appeared to him to be within a very narrow compass. He was not fearful of treading over the ground of the Right Hon. Gentleman, which he would endeavour to shew in a very different light, and draw very different conclusions from, before he would submit to the House those particulars, on which he wished to rest the grand Question. The precedents before the House, which had been on a former day reprobated, as in no manner analogous, and as precedents that could not, for a moment, be borne with; were now referred to the House, not to judge of, as forming a fundamental principle of the Constitution, but as shewing the modes which ought to be adopted in the present crisis. He would contend, however, that they tended to shew, that upon the suspension of the Royal Authority, the power rested with the two Houses of Parliament to provide for such deficiency; they tended to shew the solemn opinion of Parliament given, upon a claim of Right being made. In the case of the infancy of Henry VI. his name was used, and he was made the instrument to give vigour to the measures, taken by the two Houses of Parliament: there was, however, a material difference between those times and the present.

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At the death of Henry the Fifth, there was no Parliament: the case was now the reverse; a Parliament existed, and had been summoned by the King's own writ. The Right Hon. Gentleman, in alluding to the reign of Henry the Sixth, said, that acts of indemnity had been passed in the first Parliament assembled during his reign, for every trivial measure that had been adopted; even for every writ that had been issued under the Great Seal; but that no Act of Indemnity had been passed for the great and important office the D. of Gloucester had taken upon himself; the Hon. Gentleman would, however, upon the investigation of the first Act of Indemnity, find himself mistaken, for the Act included the Duke of Gloucester, by granting an Indemnity for all other commissions. He wished not to allude, for a precedent, to the times subsequent to the battle of St. Alban's, the power the Duke of York supported was shewn by the Parliament long before that battle. He not only disagreed with him in the statement and conclusion of the precedents of Henry VI. but also in the conclusion he had drawn from the period of the Revolution. He agreed with him, that there was much inapplicable, and some applicable. He agreed with the Right Hon. Gentleman, that the proceedings of those times, when influenced by the arms of their natural enemy the French, or by any other political measure, ought not to be considered in point; but such as were, according with the forms of the Constitution, he considered as applicable; the inference to be drawn was, that not having a King, they proceeded to fill up the Constitution, and in so doing, they did not take the choice of a King, but had recourse to that person who appeared to them the most likely to protect their liberties and their rights. Feeling the necessity of the case, they had taken measures nothing short of a Legislative Act; they had proceeded upon the principle of the Constitution, though not according to the forms of the Constitution; and what was deducible from those measures was, that in cases of necessity, to provide for the public safety, the power belonged to the people, through their representatives, the Lords and Commons, up to the fullest extent of his argument; whatever included with it, in the measures taken at the Revolution, the principles of the Constitution, he considered as applicable to the present moment. Upon what principle did they proceed to an Address to the Prince of Orange? Their situation was widely different from that of the present times; they had to provide for the filling a Throne that was vacant; at the present moment the Throne was full. The Right Hon. Gentleman had said, that, according to the 13th of Charles II. the two Houses of Parliament cannot proceed to legislate without a King; the conduct of the Revolution had contradicted that assertion; they had acted legislatively, and no King being present, they

they, consequently, must have acted without a King. He asked, could the Throne be vacant during the life of a King? He trusted, that no man would assert the affirmative, though he had heard something of such an idea from the Right Hon. Gentleman (Mr. Burke.) [Here a cry of *no! no!*] Was it possible, that our situation could be similar to that of the Revolution, when we had a King on the Throne who had never forfeited his Right; his political capacity remained as entire and as perfect as ever, but from a natural incapacity he could not act; the two Houses of Parliament could not, therefore, abide by the Act of Charles the Second, any more than it was abided by at the Revolution; they were as much prevented, in the present instance, by the act of God, as they had been at the Revolution by the absence of the Sovereign; and were as much justified now to deviate from it, as they were at that glorious æra; that Act might have been, with equal propriety, pleaded, as an irresistible bar to the Revolution, as to the measures now intended to be taken. The Right Hon. Gentleman had asserted the use of the Great Seal to be irregular, if applied to form the two Houses into a Parliament. The Address proposed would be equally exceptionable, for his arguments went to prove, that to put us speedily in the situation in which we want; the Prince might be appointed by Address, or might act under the Great Seal: it was then asserted by that Right Hon Gentleman, who had just before declared the use of the Great Seal, without the King's consent, to be a gross fiction; that the two Houses of Parliament, who could not do it directly, might, by an Address to a third person, appoint the use of the Great Seal, which neither he nor they had a right, by the former argument, to use at all. The shortest, and the easiest way, to obtain the completion of the Legislature, as stated by a noble Lord (North) was, in his opinion, the mode most dangerous to the Constitution, and that which tended to the most violent use of the King's name, without his consent. Was the Regent so appointed to act in his own name, or in the name of the King? One or the other he must do; if in his own name, he dethroned the King; if in the name of the King, it must be without his consent: the using of the King's name, without his consent, had been asserted to be a gross, a clumsy fiction; but by that fiction the courts of law were now upheld. That fiction was the support of hereditary monarchy, so strenuously argued for; the grand principle and foundation on which hereditary monarchy had rested, was the political capacity of the King ever remaining entire, and it could never be set aside while living, and not having forfeited the Crown. That was the grand principle that supported hereditary Right; what else could have protected the infant monarch in a cradle, or the infirm diseased old King on his bed of sickness?

ness? When it had been asserted, that any act done without the King's name was a fraud, and a gross attempt to impose on the Constitution, he begged to be informed, how was this *Regent*, who opposes the King, to escape the censure of animadversion? The King, he insisted, was in the contemplation of the law, not in a state of incapacity. He had the sanction of the wisest sages of the law to say, that the manner, which appears the wisest from experience, as well as the most consonant to law, of investing a Regent with proper constitutional powers, is that, which is prescribed in the Resolutions. He was well founded in his opinion, and adduced many cases to prove, that any Act, passed by Parliament, in its present situation, was an ostensible Act; if it appears under the Great Seal, no matter how obtained, no person would insist that the Act was not valid; it was recorded by Parliament, that the King is insane, it is the part of the Great Council of the Nation to guide his political conduct.

If the doctrine now attempted to be advanced, of the Right of an Heir Apparent to assume the exercise of the Royal Authority on the infancy or indisposition of a King, should be once established; an adieu might be bid to all hereditary succession, or even to the enjoyment of kingly power during life. If the *Ld. Chancellor* should put the Great Seal to any Act, no power in the country could say it was not law. It would be presumption in the Chancellor, on his own opinion, to put the Great Seal to any Act, purporting to give the King's assent; but if that assent could not be implied, without the Great Seal, no man, he presumed to think, would say, that the wisdom of the whole Council of the Nation to guide the political capacity of the King, in a moment of such pressing exigency, was a coarse, a clumsy forgery, and an idle fiction.

By the second Resolution of the Committee, and to which the House had agreed, they declared it to be their Right and duty to provide the means of supplying the defect of the personal exercise of the Royal Authority; having asserted that Right; they would be betraying their duty if they abdicated a part of that Right, which might eventually put the remainder out of their power to exercise. If the Prince was put in possession of the Regency, with the full powers and prerogatives of a King, he might immediately dissolve the Parliament; but it had been said, that he *probably* might not; he might, however, with those powers, previous to the discussion of the Restrictions, prevent their taking effect, by pouring in a number of Peers into the Upper House, during the agitation of the limitations in the Lower House. Whether the limitations ought, or ought not to take place, they ought to be discussed while they had the power of discussion; it might be the opinion of some, that during so short

an interval of indisposition very few powers were necessary to be given; it was at least a doubtful question, whether it was necessary, for the public safety, to give the whole powers of Royalty or not.

The Right Hon. Gentleman had said, they must limit what they did by necessity; in that opinion he fully agreed, and in that opinion the two Houses were justified in delegating to whom they pleased, and what portion they conceived necessary of the Royal Authority.

The wish of the Gentlemen on the opposite side of the House was, that they should give the whole power, before they knew whether it was their duty to give more than a part. The true Question, he conceived, before the House, was, whether the granting the full power at present might not hereafter, when it should please God to restore his Majesty to the prayers of his people, be the means of diminishing the power of the rightful possessor of the Throne. He pretended not to know who were to be his Royal Highnesses advisers; he should be happy, did he not conjecture who were *not* to be his advisers: the House, when they were told, that it was not probable his Royal Highness would refuse his assent to any restrictions on the Regency, that might be subsequently proposed, ought to look to those who probably might be his advisers, and to consider whether they might not persuade him to refuse his assent to any limitations that might be offered. If they trusted the power of enforcing what limitations might be deemed necessary, out of their hands, they might not be able to exercise their duty, and would, by such neglect, sacrifice the respect they owed to the Constitution, to their King, and to their Country; for these reasons, he concluded in favour of the resolution, and against the amendment.

Mr. Fox rose to explain two or three points that the Right Hon. Gentleman had misunderstood. He had not said, that all fictions of law were coarse fictions. He was well aware that there were some fictions laudable fictions, but was that the case in the instance under their consideration? where the King's name was to be used, when it was notorious, that his will could neither be known or obtained. The third Estate to be set up, on the present occasion, was something with no will of its own, no discretion, but acted merely as the two Houses thought proper; it was a mere creature of theirs, and if resorted to once, might be resorted to again and again. The Right Hon. Gentleman had talked of giving a part of the Royal Prerogatives to the Regent; was he aware, that to give a part of the Royal Prerogatives would be more than a gift of the whole, because, if they gave a part of the Regal functions, they changed the Regal functions, and proceeded to create a description of persons unknown to our Constitution. *Mr. Fox* renewed his arguments against setting

setting up any thing for an intermediate Regent, which could neither dissolve, prorogue, nor convene the Parliament, nor exercise the power of discretion in giving either his assent or dissent to such Bill or Bills as should be presented to him for the former. These powers, in the third Estate, he said, formed an inherent principle in Legislation.

Mr. Powys thought any thing preferable to the mode proposed in the Resolution originally moved, but he entertained great doubts, whether the measure of presenting an Address did not out-run the precedent. Was the Hon. Gentleman, who moved the amendment, sure, that his amendment would answer the end proposed. At the time of the Revolution, he believed, certain propositions and declarations of Right were sent to the Prince of Orange, as the conditions on which they tendered him the Crown; if no conditions accompanied an offer of the Regency, might not that preclude the House from the discussion of a Bill of Limitation and Restriction, should any such hereafter be thought necessary.

Mr. Fox said, an Address, if voted, would give the Regent no absolute power, but it would enable him to hold a legal Parliament, with whom would rest the legal appointment of his powers, then to be defined, if any limitations should be deemed to be desirable.

Mr. Burke rose to explain. He believed the Right Hon. Gentleman had alluded to words uttered by him. He had neither said, nor meant to say, that if his Majesty recovered, he ought to be set aside. He had only said, that during the continuance of his Majesty's present incapacity, he considered him as civilly dead, and whilst his Majesty should so remain, the third Estate ought to devolve on the King's successor, being of age, and of full capacity.

Mr. Drake declared he was averse to the Resolution, and had doubts of the propriety of the amendment. He wished to know, if voting the Address, would preclude him from giving his opinion on the limitations hereafter?

Mr. Smith, and *Sir Charles Gould*, spoke under the gallery, but in such a manner as not to be distinctly heard.

Mr. Marsham declared, he felt the same difficulty with *Mr. Drake*, who had withdrawn. He said, he objected to the Resolution, and should vote for the Amendment, but under the idea that he was not, by so doing, in any manner bound from giving his opinion on the Question of Restrictions, on which he had not yet made up his mind.

Mr. Sheridan wished the Hon. Gentleman had not withdrawn himself from the House, as he was persuaded he could have satisfied his mind completely. He contended, that the present question was directly connected with that of the limitations.

The Right Hon. Gentleman's arguments went to prove, that, if the House adopted the present Resolution, that they would then be enabled, without the possibility of disappointment, to make what Restrictions might be thought proper; but if they did not, that then the Restrictions, they might wish to have made, might be impossible for them to carry into execution. He was against any limitations, further than were consistent with the representation of the hereditary branch of the Legislature. Mr. Sheridan entered into an able defence of the arguments of his Right Hon. Friends (Lord North and Mr. Fox). The noble Lord, he said, had not merely declared that it was not probable that his Royal Highness would, on his being made Regent, dissolve the Parliament, but that it was nearly impossible; for how was money to be obtained to carry on the government? He reprobated the Chancellor of the Exchequer in pointed terms. The suspicions promulged by him against the *Heir Apparent*, were ill founded, he said, and unbecoming. He saw but one reason for the Right Hon. Gentleman wishing to limit the prerogative, as he knew, by his own *experience*, what was subject to abuse; he knew, that the prerogative of dissolving a Parliament, and of sending a number of Lords to the other House, might be abused. Such powers, in the Prince, he, however, did not believe would be misused. There was no doubt, he said, but the first act of the Prince would be, to limit the Regency; limitations then would come, with much better grace, after the appointment, than previous to it. He was astonished at the indecent suspicions of the Right Hon. Gentleman, who confessed his fears, lest the Prince may dissolve the Parliament before these limitations were granted which he so strenuously recommended. He entreated the House to consider how mean it was to suppose, that the Prince could so far forget his character, the duty he owed to his father, the reverence he had for a parent in so lamentable a situation, as to dissolve a Parliament, which, before its natural demise, may be again called together by him.

He was well assured, the Prince had not the most distant idea of dissolving the Parliament; it was the offspring of the Gentleman's own fears, and the report had no authority but his own surmise. He was well convinced his Royal Highness would not proceed to any act that had not, for its main object, the tranquility of the State, and the good of the Country.—The Right Hon. Gentleman acted extremely ungenerous and indecent towards Parliament, says he, if he does not admit that it is desirable, in every particular, to do justice to the Sovereign. If he supposes that any person would give advice to the Prince, to warrant his apprehensions, Mr. Sheridan declared, he sincerely believed he was much mistaken. By placing the Prince in the situation of his father, he would find it his own interest to act

with impartiality and integrity, there was a reciprocal allegiance due from each party, and that consideration would be a sufficient security to prevent any of those tremendous alterations which were so much dreaded by the Right Hon. Gentleman and his friends.

Mr. Rolle spoke in favour of the Resolution.

Alderman Sawbridge was upon his legs when the strangers were desired to withdraw; at length, after much struggle for the Question, the Question was put.

At half after twelve, the House divided upon the Resolution, when there appeared,

<i>Ayes</i> for the original Motion	—	251
<i>Noes</i>	—	178
Majority for the Motion		73

At one o'clock the House adjourned.

TUESDAY, DECEMBER 23.

HOUSE OF LORDS.

AS soon as prayers were over, and the Lord Chancellor had taken the woolfack, a message was brought from the House of Commons by the Marquis of Worcester, to desire a conference with their Lordships, on a matter of high importance to his Majesty and the nation.

The same was, upon the Question put, agreed to, and appointed to be held immediately in the Painted Chamber.

The House then adjourned during pleasure, and the Lord President, Lord Privy Seal, Duke of Richmond, the two principal Secretaries of State, and several other Lords, managers appointed to carry on the conference for the House of Peers, withdrew: after a short time they came back, and the House was resumed, when the Lord President rose, and acquainted their Lordships, that the managers on the part of the Commons (by the Marquis of Worcester) had delivered to him three Resolutions, to which they desired their Lordships concurrence.

His Lordship moved, that the same be read by the Clerk, which was accordingly done, and are as follow, viz.

I. " That his Majesty is prevented, by his present indisposition, from coming to his Parliament, and from attending to public business, and that the personal exercise of the Royal Authority is thereby, for the present, interrupted.

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II. " That

II. " That it is the Right and Duty of the Lords Spiritual and Temporal and Commons of Great Britain now assembled, and lawfully, fully, and freely, representing all the estates of the people of this realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's said indisposition, in such manner as the exigency of the case may appear to require.

III. R E S O L V E D,

" That for this purpose, and for maintaining entire the constitutional authority of the King, it is necessary that the said Lords Spiritual and Temporal and Commons of Great Britain should determine on the means whereby the Royal Assent may be given, in Parliament, to such Bills as may be passed by the two Houses of Parliament, respecting the exercise of the powers and authorities of the Crown, in the name, and on the behalf of the King, during the continuance of his Majesty's present indisposition."

It was then moved, " That this House do, on Friday next, resolve itself into a Committee of the whole House, to take into consideration the present State of the Nation," which, upon the Question being put, was ordered accordingly. The Report from the Committee appointed to examine his Majesty's physicians, and the Report from the Committee appointed to search the Journals, &c. and report precedents, was likewise referred to the said Committee.

A casual conversation took place, between Lord Loughborough and Lord Hawkebury, on the motion above stated.

Lord Loughborough rose—not, his Lordship observed, with an intention to give it any opposition, but to suggest a few remarks that had occurred to him; and first, the terms of the Resolutions of the Commons struck him with infinite force. They had not, as he understood had hitherto been the constant and invariable practice, left any kind of blank; they had not, in this instance, resolved for themselves only, but for their Lordships also, as was plainly and clearly expressed by the words. This, in his opinion, was a new method, and their Lordships' perseverance in their Right to determine for themselves, was of too much importance to be trifled away—he wished to know, if any one of their Lordships recollected any thing ever coming from the Commons in that form before; if they did, he trusted they would favour him with the information? If he received no such information, he should conclude himself in the right, and that it was a precedent which ought not to be countenanced.—Leaving this, however, for their Lordships' consideration, he should beg leave to trouble them with a few words upon the " Report of the Committee to search into precedents" being referred to the

the same Committee; a Report, to say no worse of it, which was the most inaccurate that ever was produced, and a disgrace to those persons from whom the Committee had, no doubt, expected to receive assistance, and to whom they had, doubtless, trusted the selection.—[Here the Duke of Richmond observed, his Lordship had been named of that Committee; a circumstance, Lord Loughborough declared, it was the first moment he had ever heard of.]

Among the variety of inaccuracies and absurdities he should endeavour to draw their attention to, and which, he hoped, would have the desired effect, to induce the serious perusal of the Report previous to Friday, was, in the first place, under the head of precedents, in cases of *infancy*, two acts alluded to in the 10th and 13th of Richard II. when it was upon Record, to be found also in every historian, and he should have thought almost generally known, that that Monarch was of full age some months before the passing the first, and consequently four-and-twenty on the passing of the latter;—a little further, among those denominated *absence*, would be found an act in the reign of Edward II. when the King was a close prisoner, and soon after which he was absolutely deposed. This, his Lordship admitted, was not to be found upon the Rolls of Parliament, for, unfortunately, the first of Edward III. as well as the first of Charles I. had, by some means or other, been mislaid; but if these Rolls had been searched a little further, which certainly ought to have been done, for the elucidation of every precedent adduced, the third of that King would have sufficiently explained it—but what surprised him the most was, a case brought forward under the head, or *otherways*, &c. this was stated to be an act of the Grand Council of the nation, a description he confessed himself entirely at a loss to understand, that being an appellation he had always conceived due to Parliament only; yet even here, had they only turned to the very next Roll of Parliament, they would have found, that instead of this being considered as a legal act, a bill of attainder had been passed against those who formed it; it had constantly and invariably been reprobated from that time to this; and how it could have been thought worthy of being alluded to at this moment, he was at a loss to conjecture; nay, it ought not to have been without the circumstances that followed: indeed, the attempt to draw any precedents from the reign of Henry II. was going wide of the subject; for acts were passed in those days agreeable to the views and designs of the party who happened to be in power, and to every act, he thought, should be placed the name of the preceding battle, which would be a clear explanation.—His Lordship adverted to many other parts of the Report, and proved them to be equally foreign to the subject they were to have sought for in precedents, and concluded by informing their

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Lordships,

Lordships, that at a proper time he should move for a Committee to take the Report into consideration, supply omissions, expunge the extraneous parts, and correct the absurdities and inaccuracies with which it at present abounded.

Lord Hawkebury complained of the irregularity and prematurity of commencing any debate at that moment, when it had been previously understood by their Lordships, that no discussion was to take place on the Resolutions of the other House of Parliament that day. His Lordship admitted the importance of the subject, and thence argued, that it was the more necessary, that their Lordships should be left to come with their minds clear for its deliberation, on the day to which the debate was intended to be deferred. Much, he said, could be urged in answer to what had fallen from the noble and learned Lord, on the subject of the alleged inaccuracy of the Report; indeed, if any errors had escaped the Committee, when they were preparing it, much as the circumstance was to be lamented, it must be, in a great measure, attributed to the thinness of the attendance of the Committee; to that it was owing, that the House, which certainly meant, when it appointed the Committee to advantage itself, as far as the scope of such a Committee would allow, of the most enlightened minds, and most distinguished abilities in that House, had been disappointed of their expectations.

A Motion was next moved, for the House to be summoned.

The Motion of adjournment was then put, and the House adjourned to Friday next, eleven o'clock.

HOUSE OF COMMONS.

The *Marquis of Worcester* reported, that the Lords had agreed to a conference.

A Committee was then appointed, which consisted of the following Honourable and Right Hon. Members, viz.

Marquis of Worcester
Chancellor of the Exchequer
Marquis of Graham
E. J. Elliot, Esq.
Alderman Waton
Earl Mornington
Earl Courtoun
Lord Adv. of Scotland

Lord Apsley
Secretary at War
Sir Joseph Mawbey
Lord Fred. Campbell
Lord Belgrave
J. Rolle, Esq
Master of the Rolls

As soon as the Committee returned, the Marquis of Worcester reported, that the Managers had met, and that the conference, on behalf of the Lords, had been conducted by the Lord President, Lord Privy Seal, Duke of Richmond, Marquis of Carmarthen, Lord Sydney, Lord Hawkesbury, Lord Morton, &c.

The call of the House was, upon Motion, further adjourned until to morrow se'nnight.

The House then adjourned till Monday next.

HOUSE OF LORDS.

FRIDAY, DECEMBER 26.

STATE OF THE NATION.

The House in a Committee, Lord *Onslow* in the Chair.

The Clerk read the First Resolution of the Lower House, on the subject of his Majesty's indisposition.

"That it appears to this Committee, that his Majesty is prevented by his present indisposition, from coming to his Parliament, and from attending to public business; and that the personal exercise of the Royal Authority by his Majesty, is thereby, for the present, interrupted."

Lord Hopeton observed, that no man regretted more than himself the melancholy circumstance, which had given birth to the Resolutions of the Lower House, and which has overwhelmed with the deepest misery and despondence, the hearts of a free and loyal people. From the reports of the physicians, it immediately became necessary to adopt that mode, the wisdom of the House should deem expedient, for supplying the distressing defect at present existing in the executive government. Their Lordships, he believed, as well as the Nation at large, were unanimous as to the personage most proper to supply it—a Prince, whose talents and virtues could not be placed in a more conspicuous point of view by his feeble panegyric. It was sufficient to say, that the country had every reason to be persuaded; that whenever his Royal Highness should be invested by both Houses of Parliament, with the active exercise of executive authority, he would be ambitious only of displaying his power to the advantage, prosperity, and freedom of the empire; indeed the most flattering promise of such conduct had been evinced from the highest and most respectable authority (the Duke of York), from whom the House had received intimation, that it never was the intention of the Prince
of

of Wales to prefer a Claim to the Regency; but, on the contrary, he was ready and willing to take upon himself, during the suspension of the Royal Authority, the government of the empire, guarded by such limitations and restrictions as the caution and judgment of Parliament should think proper to create. The question, then, of *strict right*, which had been warmly contended for on the one side, and as strongly resisted on the other, his Lordship conceived, would have been better entirely omitted; for the subject, which pressed so much for expedition, had, in the course of its discussion, already been too much encumbered with those doctrines which did not strictly apply, and which had prevented the acceleration of a business, that the public wished to see speedily concluded.

The *Earl of Abingdon* rose next, and said,

My Lords,

Having obtained the object I had in view, by the agitation of the question, that is now before us, and finding it not only in the hands of those where it ought to be, but where every possible light will be reflected on it; I rise, under these circumstances, my Lords, to trouble your Lordships with a very few words only.

Upon the present doleful occasion, I have heard of doctrines, that whilst I recount them in my mind, I stand almost petrified with astonishment—*Animus meminisse horret*—It has been said, that deliberation in the two Houses of Parliament, at this awful crisis, is not of necessity; that the moment it is established by the report of the physicians, that his Majesty's health will not at present permit him to discharge the duties of his *trust*, the Prince of Wales *de jure* succeeded to that *trust*; and that although deliberation, for form sake, might be tolerated, deliberation was matter not of essence, but of form only, and must end in nothing else. And these, good gracious God! my Lords, are the doctrines of that very man, who, but a while ago, was plucking the Crown off the head of the Monarch, and subdividing it between himself and a self-formed heptarchical junto, in this and the other House of Parliament. Of that very man, who called himself a Whig; of him, who, whilst he was in the very act of erecting a monumental pillar in honour, and to the memory of the glorious Revolution, was, by his doctrine, tearing up, from the very centre of the earth, the sole and only ground upon which that Revolution stands. Such are these doctrines, my Lords, and being such, I will not reason upon the subject; but will assert dogmatically, and say, that the Prince of Wales, by the laws and constitution of the land, has no more right, as Prince of Wales, to exercise the functions of the Crown, than any other subject of the realm; and I challenge the *stoutest* lawyer of you all to controvert this position. The Prince's right is hereditary,

hereditary, and hereditary only, and that right, my Lords, is *posthumous*; then see what this *posthumous* right is. The Crown of England is hereditary, but hereditary under limitations, restrictions, and provisions. The inheritance, says Sir William Blackstone, is *conditional*; and it is so, by the express law of the land; for by the statute of the first of William and Mary, statute 2. chap. 2. it is enacted, "That every person who should be reconciled to or hold communion with the see of Rome, should profess the Popish religion, or should marry a Papist, should be excluded and for ever incapable to inherit, possess, or enjoy the Crown; and that in such case the people should be dissolved from their allegiance, and the Crown should descend to such persons being Protestants, as would have inherited the same, in case the person so reconciled, holding communion, professing, or marrying, were naturally dead." Now, suppose my Lords, a case to occur within the provision of this statute, and then let me ask, who is to be the judge of the person so incapacitated and excluded by this statute? Is it the Parliament, (as it has been craftily and subtly said, in order to avoid the energy of this statute) because the King is one of the constituent parts of a Parliament? Will a King exclude himself? No—that exclusion appertains to both Houses of Parliament exclusively. It is the business of the Lords and Commons of Great Britain, and of them alone, as the trustees and representatives of the nation. The power to alter or new model the succession is by law, given to the King and Parliament, for the words of the law are, by the Act of the sixth of Queen Anne, ch. 7. any person who shall maintain the contrary of this, shall be guilty of the penalties of a *premunire*. But what is the supposition of law in these cases? It is, that *that King*, so standing at the head of his Parliament, has not fallen under the disabilities of the aforementioned Act of William and Mary, that he sits on his throne under the laws and constitution of the country, that he is a King *de jure* as well as *de facto*: but if he is fallen under the disabilities of that statute, then I maintain that the right to new model or alter the succession, is vested in the Parliament of England, *without the King*; in the Lords and Commons of Great Britain solely and exclusively. This is Revolution doctrine, this is my doctrine, though I do not profess myself a Whig, nor am I a member of the Whig club, nor have I subscribed to the intended *Politico Patriotic Obelisk*, to be erected at Runnymede. Neither am I a Tory, but I am what I glory in being, a well-wisher to, and a supporter of the British Constitution.

If this be so, my Lords, where there was an hereditary right, where that right has taken place, and when the crown is already on the head of the King, what shall we say where there is no right

right at all? I assert again, that the Prince of Wales has no more right to the Regency of this country, otherwise than the two Houses of Parliament shall be pleased, out of their grace and favour, to bestow it upon him, than *I have*. He may have pretensions superior to others; he may have a claim, but he has no right. His right to govern is hereditary only, and the demise of the crown, thank God of Heaven, has not yet taken place. May the King live for ever—and let the established church of England, let the hierarchy of this country, say, Amen.

But, my Lords, when I have said this, I do not mean to say, that the Prince of Wales shall not be invested with this authority. What I mean to say is, that the right is yours, in conjunction with the other House of Parliament, and you are to do with it as you think best. But in that doing, my Lords, let me conjure you to be wary, to be cautious, to be circumspect; the concern is weighty; the case is *magnitudinous* and of *importance infinite*. You will feel for yourselves, feel for the nation, but above all, I conjure you to feel, with the pity of men, for the unhappy state of the Monarch himself, that he may be restored to his health; I wish to cherish the idea, that “Old Lear shall be King again.” I caution your Lordships to remember, that by a vote you are about to *dethrone* a King; but will his restoration to the throne depend upon our vote. Here, my Lords, pause and think for a moment. I trust it may! But what has been, may be again. I have read a little of history, and have there found it is easier to give, than to revoke power when given—and especially too, when placed, as it may be, in the hands of those who are for or against the rights of the Crown, as it best suits with the views of their own ambition. Again, in cases of common lunacy, I speak with deference to the noble Lord on the woolsack, the next heir is not intrusted, from the wisdom of the law, with the guardianship of the lunatic? In this case then, who are to be the responsible conservators of his Majesty’s health, and what the conduit pipes through which this intelligence is to be conveyed to us? The greatness of the subject, I conceive, calls for united wisdom—it exceeds individual ability to discuss. I have to offer but a single word more, my Lords,—if the Prince of Wales reflects, that he, as *George the Fourth*, may of himself have a son, who will be *Prince of Wales*, so making the case of his father his own—then let him judge who are, upon the present occasion, his best and truest friends—the Ministers who have acted as they have done, or the Opposition who have advised, and laid down the doctrines they have done. His Royal Highness is said to possess sense and discernment; to the wise, therefore, *a word is enough*.

Lord Rawdon, having before pledged himself to their Lordships, to stand forward in case the Question of Right should ever be

be introduced in that House, found himself as it were now called upon, not so much by the Resolutions themselves, as by the mode in which a noble Lord had thought proper to introduce them. It was now evident, that the loose and idle opinions of the multitude, that the old womens' tales in the street, and that the most vague and extravagant conjectures of the ignorant and uninformed, had made such an impression, that they had even found their way into that House, and helped to furnish subjects for Parliamentary declamation.

His Lordship said, he would make no farther observation on the speech they had heard, but would proceed to declare his objection to the second Proposition, and also to the third, which was so connected with it, that it would be impossible not to consider them both, at one and the same time. Both these Propositions appeared to him unnecessary and unwarrantable. From the former of the two, it would be imagined, that some claim, denying the admitted right of all freemen, in all times to chuse their own form of government, and in contradistinction to the right of the two Houses, had been set up, in a regular way, so as to render a declaration of the right of the two Houses necessary. To obviate any kind of discussion is absolutely foreign in itself, and totally unnecessary, he had intended to make a suggestion to their Lordships, for an addition to the first Resolution, which would render the others totally useless, and of course would have prevented any investigation of a right that was not claimed; nay more, their Lordships had been told by the very best authority in that House, never would be. Was this intimation doubted, —He believed he could venture to answer in the negative.—The illustrious personage, from whom it came, was too high in public esteem, and too justly estimated, for an idea of that kind to exist —why then was it brought forward? Could it possibly prove of the least advantage to their Lordships, or benefit to the kingdom?—if not, why should so much pains be taken to introduce a discussion, not upon a question in fact before the House, but merely on a sentence that had been hastily stated in another place. In the moment that every one of their Lordships, he doubted not, would cordially join in expressing their heartfelt sorrow for the lamentable situation of their Sovereign, he asked, were any of them willing to shew, that they were so destitute of delicacy, and of manifesting a due attention to the feelings of his Majesty's family, as to aggravate their distress, by unnecessarily entering into a discussion, which had been, on the part of the family, deprecated with so much earnestness.

The noble and learned President of the Council had, on a former occasion, brought it forward, in his humble opinion, very improperly, and as far as he yet knew, without any reason whatever;—he had expressed his sentiments against it then, and
so

so he should now, because he thought it totally irrelevant and unconnected with the business—this business was clearly to endeavour, in the best possible manner, to render the Legislature complete, which was now deficient from the incapacity of one of its branches.

Reprobating, as he did, this investigation of Right, he should not trouble their Lordships with any thing upon the subject, and a very little upon the precedents which had been produced, because they appeared to him not at all in point, and entirely useless. There seemed to be, as far as he was able to learn, both from what he had heard in and out of that House, but one opinion as to the person who ought to be invested with the power; therefore to dispute upon doing what, all parties agreed, ought to be done, was surely beneath the importance of that House; indeed, by the third Resolution, there was some insinuation of intended limitations—he could wish some noble Lord in the secret would favour him with an account of what those limitations were—[His Lordship pressed very strongly for this information, but could get no answer.]—It did not give him much surprise, that his interrogation should not meet with the desired effect, because he was perfectly convinced, that the popular opinion being so much in favour of appointing his Royal Highness the Prince of Wales sole Regent, without any kind of limitation whatever, it was become a very unpleasant business, even to those, who had originally pleased themselves with the fanciful limitations, and it was therefore no wonder that they should be shy of entering upon the subject, or at least being any ways communicative thereupon; yet if their Lordships acceded to these Resolutions, it was plain, by the third, that something of that kind was intended, and would, if possible, be put in force. Before they could vote the third Proposition, his Lordship thought the House ought to have before them a clear and precise description of the proceeding, that the Resolution was meant to be followed up with. As the Resolution stood, the wording of it was so equivocal and ambiguous, that it was impossible for their Lordships to be aware of the sort of proceeding, which was meant to be grounded upon it.

His Lordship said, the alarm had already gone forth; mens' minds began to be irritated and inflamed, and the passing of the three Propositions would lay the grounds of so much future mischief and dissention, that it would convulse the nation from one end of it to the other, and endanger the existence of the Constitution.

His Lordship dwelt with much force of argument, upon the impropriety of thus having the appearance of want of confidence in his Royal Highness, at the very moment they were all agreed, he, and he only ought and should become the substitute for his father;

father; this, in his opinion, was of sufficient magnitude to bring them to an unanimous resolution, and therefore to prevent, if possible, the arguments turning upon a subject, by no means connected with the business, or necessary for their consideration, he should move, that at the conclusion of the first resolution should be added, "and that an address be presented to his Royal Highness the Prince of Wales, praying him to assume and exercise the Royal Authority, during the incapacity of our Sovereign, and no longer." This addition, his Lordship observed, was what would render the other resolution nugatory; and therefore it would, he hoped, meet their Lordships approbation.

Lord Camden rose, he said, to resist the motion for amendment, as it appeared fraught with an intention to evade the discussion of as important a question, as had ever been agitated in that, or in the other House of Parliament; namely, the Right of the *Prince of Wales*, as *Heir Apparent*, to exercise the Sovereign Authority, during the incapacity of his Majesty. He was surprised that, after so much had been boldly affirmed, in favour of this Right, an attempt should now be made to prevent it being brought to a fair and candid investigation; for his part, he thought they were bound to come to a determination upon it. The assertion had been made, supported, and was now gone into the world;—men had formed different opinions upon it, and what might be the consequence of its being still suffered to remain in doubt?—the fault, if any fault it was, of having introduced it into that House, was certainly his; he had done it on having received the information that the claim had been set up in another place—perhaps it had not been exactly parliamentary, but he, at the time, conceived it as his duty, and he thought so still; it was a question of too much moment to be left undecided, for their Lordships should recollect, they were not merely deciding for the present moment, they were deciding for posterity—the virtues and amiable qualities of the present *Heir Apparent*, might induce them to go great lengths, if it was to concern him only; but the question must be argued upon its own broad scale, and serve for a precedent, should the unhappy occasion ever again recur, when, perhaps, his very opposite in principle, would stand in the same situation with respect to claim.—Much had been said with respect to the mischief that might possibly accrue, from bringing this Right into debate; he saw no reason to apprehend any, and, if there were, it was now too late; the Right had, by very high authority, been said positively to exist; that had as positively on the other part been denied, with respect to the Prince of Wales, and said to exist in Parliament. These different opinions were now at issue, and it was certainly, therefore, incumbent upon their Lordships, for the satisfaction of the people at large, to settle where, and to whom this right of supplying the defect in the executive part of government,

government, did belong. He was perfectly of opinion, the assertion would never have been made without some ground for support; and he wished to be informed what these grounds could possibly be; for, as far as he was able to decide, by what he had read, he was free to give it, as his settled and positive opinion, that neither, according to law or precedents, any such Right as assuming the regal authority by the Heir Apparent, in cases of incapacity of the Crown, ever did exist. The noble Lord had, indeed, proposed a method by which this question might be left undecided; a circumstance, he hoped, that would not be the case, as the uncertainty would, most probably, be attended with much more evil than was possible to attend its discussion and decision. To come to this decision, with any degree of justice, he should repeat what he had before observed, they could not do so well as by adhering to the precedents upon the rolls, which came nearest the present circumstances, and which precedents they now had upon their Lordships table; and although it had been pretty roundly asserted, they were by no means analogous, he was not brought to that opinion, nor ready to admit the Committee, or selectors of those precedents, deserved those epithets, which, on a former day, had been so freely lavished on them; for, notwithstanding there might possibly be found an omission or two, he could assure their Lordships, it had not been with any design or intention. His Lordship cautioned the House against depreciating the precedents then before them, because the same arguments that would support an attack upon them, would go the length of calling the validity of *Magna Charta*, in question. His Lordship then entered into a long discussion of the precedents then reported by the Committee, and dwelt, with some force, upon those produced from the reigns of Edward the Second and Third, and Henry the Sixth—these, his Lordship insisted, were exactly in point—as they contained acts in cases of infancy and incapacity, and the appointments of Regencies in both cases.—The sixth of Henry the Sixth, he stated to be so very applicable, as to have it read by the Clerk; this was an application from the Duke of Gloucester to Parliament, to know what authority he had in the House of Parliament, and informing them he should not attend the House, until that was decided; the precedent also contains their Lordships's answer, affirming that they could consider him to have no other authority in Parliament, than what appertained to him as Duke of Gloucester.—This case, his Lordship said, deserved particular notice, as it contained a claim and decision upon the question of Right; for whether it was made by the Heir Apparent, or Heir Presumptive, he could see no difference; and he wished, if there was any, some noble Lord would point it out to him. The Duke of Gloucester had here made a claim of authority, which Parliament had positively declared, did not exist; and

and it was not unworthy their Lordships attention, when and by whom this claim was made; it was not made by unpopular men; it was not made in times of tumult and confusion, but in the times of perfect harmony, and by as great men as this country ever saw—it was made just after the death of the idol of his country, Henry the Vth, in behalf of his brother, almost as much beloved as their former King, whose ashes were scarcely cold. Another precedent, scarcely less in point, was to be drawn from the latter part of the same reign, when the Duke of York was appointed protector: this, on a former debate, had been stated as a time of blood and horror, and as though that Duke had all along had his intentions on the Crown; but it should be observed, that on his being asked why he appeared in arms, he replied it was entirely to redress certain repeated grievances, and that upon the promise of their being redressed, the army was disbanded; and that it was not for more than two years after that he was declared protector, at a time when the Parliament could not, as had been insinuated, be under any kind of fears, and by a Parliament which had been convened by the ambitious Margaret;—as a proof of that Duke's innocent intentions, his Lordship quoted an oath of his, where he vows to the Almighty, and all his saints, he is a faithful subject to his liege Lord the King.

After dwelling a considerable time upon the above, he slightly touched upon several other precedents, and drew his conclusions from them, that there was no Right in the Heir Apparent, and that there were no instances of a Regency without a controul of a Council or Parliament. As to the limitations which were so loudly urged against, perhaps when known, they would be found of too little importance to have occasioned so much to have been said about them. His Lordship expatiated on the wisdom of our ancestors, as manifested in their constant endeavours to restrain ambitious men from aiming at the Government, by restraining them by Councils of Regency, and binding them with such other restrictions as should prevent them from grasping at the whole of the Sovereign Authority. He begged, however, that his observations of that tendency, might be considered applicable solely to the wisdom of our ancestors, and that he concurred with them in thinking it the true line of policy. He meant not to glance at the present Heir Apparent, who, he was sure, would be the last man desirous of holding powers, which the two Houses of Parliament would not think it consistent, with the safety of the Crown, or of the nation, to forego, or suffer to be taken out of their hands as representatives of all the estates of the people. Such was the infirmity of human nature—such the natural proneness to ambition—and such the inordinate thirst after dominion and power, that, he said, it behoved the two Houses, always to re-

gard an opportunity to advance the objects of such passions with jealousy, and to provide restrictions to check their progress.

With regard to the Prince of Wales, so amiable had been his conduct, that it set suspicion at rest, and rendered the task of limitation less difficult. There was no intention, in reality, to withhold from his Royal Highness above one or two instances, of exercising Royal Authority, and those, such only, as a due regard for the preservation of the Crown on his Majesty's head, and the securing to him the power of resuming the exercise of all his Royal Prerogatives, when he should be restored to health, indispensibly demanded; his Royal Highness would have the power of dissolving Parliament, of appointing his own political servants, of entering into foreign treaties, and, in fact, all the power necessary for the carrying on of a strong and vigorous Government. In the course of the proceedings that had taken place, his Lordship said, he trusted it would be admitted, that the present administration had acted impartially, and with no view to promote their own private interests. For his part, he was arrived at an age, when a retired life would better suit his years, and when he might have an opportunity of serving his country to as much advantage some other way, as he could do in office; whenever the new administration came in, however, he would be bold to say, that they would not find the present Ministers form themselves into a malignant, or an unprincipled opposition. Whoever were to form the new administration, his sincere and earnest prayer was, that they might act as conscientiously as their predecessors, and be able to serve their country with better effect, and better success.

Lord Stormont rose next, and said, in what he had to trouble their Lordships with, that day, he would endeavour, as much as possible, to avoid repeating any of those observations, which he had made in the course of the debates, that had already occurred on the same subject. It was not his intention to follow the noble and learned Lord, through all the historical detail that the noble and learned Lord had favoured the House with, as he did not pretend to more than a general knowledge of the history of his country. The Committee appointed to search for precedents, had undoubtedly furnished them with a considerable number, but among them all, there was not one, that came sufficiently near to the present calamitous situation of the country, to be considered as a precedent in point, or that ought to be relied on as authority. Some of the precedents in the Report, were so extravagantly wide of the present case, that it was impossible to guess the reason of their having been cited, unless it were to prove how wildly their ancestors had, in the elder periods of our history proceeded, and with how little regard to the law of the land, or the constitution of the country. As no precedent could be found,

that could, with safety, be followed, it behoved their Lordships to pursue that line of conduct, which should be consistent with good sense, and to adopt that measure that should least affect the land-marks of the Constitution. The noble and learned Lord had passed over all the precedents preceding the reign of Edward the Third, from a conviction, no doubt, that they were selected from times full of anarchy and confusion, and from a laudable attention to that old generous maxim *de Mortuis nil nisi bonum*.

The noble and learned Lord had, however, rested a great deal of his argument on the two precedents taken from the early part of the reign of Henry the Sixth, and from the thirty-second and thirty-third years of the same reign; because, as the noble and learned Lord had declared, those were times of Peace and tranquillity. Was the period, in which Henry the Sixth, while an infant, ascended the Throne, a period of peace and tranquillity? A period, when the flower of our nobility were in France, together with almost the whole of the English army, and when the best blood of the Country, had been spilt in that kingdom, fighting for the Crown, and protecting those provinces that the gallantry of Henry the Fifth had acquired! Did their Lordships remember what had passed in France, when Charles the Sixth was afflicted with a similar malady, to that under which his Majesty laboured, and when that rich kingdom had been torn and distracted by the two powerful parties, the one headed by the Duke of Burgundy, the other by the Dauphin; the Burgundians had got possession of the King, and carried him about as a pageant, making the most shameful use of his name, and the most wanton exercise of his authority; while the Dauphin, by his wisdom and valour, recovered the Crown, and laid the foundation of that greatness, France had since arrived at. Did their Lordships recollect, that this country was deeply engaged in those contests, and could the period in which they were carried on, be called, a period of peace and tranquillity to England?

Were those peaceable times also, when Richard, Duke of York, was chosen Protector of the kingdom, and exerted every nerve that tyranny and corruption could call into action, to further his ambitious designs upon the Crown? The Duke of York had been held up by the noble and learned Lord, as a character worthy of imitation; that Duke of York, who, though less bloody, was scarcely less immoral, insidious, and unjust, than Richard the Third. As well might that scene, which they had all beheld so frequently well acted, in which Richard the Third is discovered, leaning on two churchmen, when visited by the Mayor and Citizens of London, be extolled as a proof, that Richard was a pattern of piety; as that Richard, Duke of York, (who after the battle of St. Alban's, where he had wounded his King, and taken him prisoner, took a solemn oath at St. Paul's

Cross, that he was, and ever had been, Leigeman to his Prince) be held up as an example of loyalty. With as little regard to fact also, could the Precedent of Edward the Third, be said to be a precedent chosen from peaceable times; because, as their Lordships must remember, Edward the Third put his signature to a commission, when he was only fourteen years of age, at a time when his father had been forced to become a fugitive through the intrigues of Mortimer and Queen Isabel, and when the country was distracted with all the horrors of a civil war. The precedents, therefore, to which the noble and learned Lord had pointed, as precedents taken from peaceable and undisturbed times, were precedents selected from periods of our history peculiarly unsettled and unquiet.

But though the fact were so, it was little to the purpose, because he repeated it, no one of the precedents applied, the Legislature of those times having been complete; whereas, now, there were only the two houses of Parliament assembled. His Lordship here made the same distinction that Mr. Fox had drawn in the other House, declaring, whenever, in the future parts of what he had to say, he should have occasion to mention the two Houses of Parliament, he would describe them in those words, and whenever he wished to speak of the Parliament, properly so called, he would call it the Legislature.

He desired the noble and learned Lord to produce a single instance in which the Heir Apparent had been of full age and capacity to govern; it was needless, therefore, to take up more of the time of their Lordships, by dwelling upon precedents, which had no analogy to the present moment; the spirit of the Constitution must be referred to, and that line of conduct adopted, that should, upon examination, be found to be most congenial to it. In that point of view let the amendment, proposed by the noble Lord be considered. The ability with which the noble Lord had opened his amendment, had excited the general admiration of every one who heard his argument, and justly entitled the noble Lord to that compliment, which had been paid to John, Duke of Argyle, viz. that he was by nature qualified

“ To shake at once the Senate and the Field.”

Let the committee consider, whether, in attaining an object, about which there was but one opinion, they would prefer a circuitous mode, to a mode direct, obvious, simple, and easy. If they adopted the mode suggested by the House of Commons, and preferred the circuitous line of proceeding, they would assume the functions of the third branch of the Legislature, and trench upon the prerogatives of the Crown, which it was as much their duty to respect and support, as their own privileges, or those of

the other House of Parliament. With regard to the argument, that the Prince of Wales ought to be declared Regent, under certain limitations and restrictions, let their Lordships recollect the difficulty that sort of consideration would lead to. It would be impossible to admit, that the prerogatives of the Crown could be divided, and some of them reserved while others were given to the Regent, and at the same time to contend, that the Regent would, nevertheless, be able to carry on a strong and a vigorous Government; without opening a door to an argument, which, however cogent, he did not mean to press upon their Lordships; namely, that if there were prerogatives annexed to the Crown, that were not in themselves necessary to the energy and vigour of Government, those prerogatives might be spared, and ought to be abolished; since the Crown, no more than the Regent, ought to enjoy prerogatives, that were admitted not to be essential to the benefit and advantage to the community.

Every discussion of this sort would be precluded, were the noble Lord's amendment adopted; and, what was not a less important object, harmony between the two Houses would be secured, while neither their Rights, for which the noble and learned Lord had so strenuously contended, would be sacrificed or called in question, nor would the functions of the prerogative be assumed or invaded.

Every noble Lord, who had hitherto spoken on the subject, had justly professed a veneration for the Revolution; why then would they not imitate that example, which they all professed so much to admire? The words of the amendment were precisely the same with those adopted by the Convention Parliament, when it was resolved to address the Prince of Orange, with the exception only of the reference to the incapacity of his Majesty; and surely no one of their Lordships would contend, that the address voted to the Prince of Orange implied, that he possessed any other Right to the Throne, than that which he derived from the votes of the two Houses. Let their Lordships turn to the debates in the year 1688, and they would see the miserable jargon introduced by the lawyers of that period. Lawyers, it was notorious, generally speaking, mingled so much of their legal refinements with political argument, that they made sad work of it. At the time of the Revolution, every distinction that sophistry could suggest, and ingenuity invent, was devised and insisted on, to mislead the House of Commons, and confound their judgment; but the leading men of those days, who, though not great lawyers, were great statesmen, swept away the cobweb distinctions of professional reasoners at once, and by dint of sound sense, prevailed on the House to speak by their actions, to come directly to the point, and declare the Prince of Orange King; a vote which, happily for the nation,

was carried, though only by a vote or two. His Lordship alluded to the turn and character of the debates of those days, and particularly mentioned the distinction taken by Mr. Finch, the ancestor of a noble Lord then present, [Lord Winchelsea] who, in arguing for a Regency, had asserted, "That the Throne was not *vacant*, but that King James was *out of his understanding*."

In that debate, in which the two points in question were, whether the Prince of Wales should be declared Regent or King, none of those members, who supported the argument in preference of a Regency, suggested one idea of limiting or restraining the Regent in any degree whatsoever. The second and third Resolutions, as originally proposed, and as sent up by the House of Commons, clearly implied an idea, that the two Houses of Parliament had not only a Right to decide electively, but to legislate for themselves, independent of the Crown, the third branch of the Legislature. An idea, which his Lordship confessed he dreaded, and which he trusted the Committee, from a due regard to the Constitution, would never countenance.

If the doctrine that the two Houses could, in any instance, assume the functions and prerogatives of the Crown were admitted, it must be admitted also, that they could do so in many; and it was not in human imagination to divine, to how dangerous an extent so unconstitutional a practice might be carried. He reminded their Lordships of the violence of the House of Commons in 1648, which had led them first to vote, that any Resolution of their own, independent of the concurrence of the two other branches of the Legislature, should have the force of law, and afterwards to declare the House of Lords *useless*, upon their Lordships refusing to concur with them in their Resolution to bring the King to trial. The House of Commons had not been aware, that they were, at the time, laying the foundation of their own ruin. Their proceeding, to be sure, had been rather blunt; but had they lived in times of modern refinement, how easily might they have solved their difficulty, sanctioned their design with the colour of law, and rendered it effectual, by only having recourse to the expedient now brought forward, and under pretence of a fiction of law, practised that upon the Great Seal, which it did not become him in that House to mention in plain terms, and issued a Commission in the name of the King, appointing Commissioners to give the Royal Assent to a Bill drawn for the purpose of bestowing legislative authority on the proceeding.

His Lordship painted, in striking colours, the dangerous effect of setting up a pageant in lieu of the third Estate, and contended, that being clearly the creature of the two Houses, it could not possibly exert any of those independent and important prerogatives, that gave the Crown constitutional power to resist the

the encroachments of either of the two other branches of the Legislature. Among other instances of its operating dangerously, to the destruction of the Royal Prerogative, his Lordship said, it was not the least worthy of attention, that the *negative* of the Crown, that great barrier set up by the Constitution, for the purpose of arming the Crown with a powerful means of defence against any hostile attempts of the two Houses of Parliament, was completely done away. The Royal Negative, it is true, had not been exercised by the Crown for a considerable length of time; but it was not a less important instance of the Royal Prerogative, and when the Committee were deliberating, whether they should agree with the other House, to assume the legislative capacity of the Crown, in such a manner, as supposed the discretionary power of the Royal Negative not to exist, and by implication admitted, that it could be dispensed with, it was the duty of their Lordships to weigh well the absurdity and danger, to which the allowing such a fiction of law to pass, would expose them. He put the case, that the noble and learned Lord, who now so worthily held the Great Seal, should choose, of his own accord, to fix the Great Seal to a patent of peerage; he asked, how would that House receive a Peer so created? Would they not refuse to consider him as one of the peerage? [His Lordship was here whispered, that the forms a patent of peerage must undergo, as well as the person created a Peer, rendered his hypothesis impossible.] He said, he thanked the noble Lord, for setting him right, but he would put another case, that he was sure he was correct in. Suppose that the noble and learned Lord, who held the Great Seal, should affix it to a Commission, declaring the Royal Assent to a Bill, respecting which, there had been much difference of opinion in both Houses; how were those, who had opposed the Bill, to contend against it as a law? He mentioned the Statute of Charles the Second, as expressly declaring, that the two Houses could not legislate, without the consent of the crown, and pronouncing, that any person, who, by *advised speaking*, should affirm the contrary, should incur the pains and penalties of a *premunire*.

His Lordship said, there occurred to his mind another difficulty, and he did not see how it could be got over; and that was, the subscription of the Royal Signature to the Commission to which the Great Seal was to be annexed, for the purpose of opening the Parliament, and passing a Bill. It had formerly been held, that the King could not give the Royal Assent to any Bill, but by being present in person in that House. In the reign of Henry the Eighth, an Act had passed, empowering his Majesty to give the Royal Assent to any Bill or Bills by a Commission issued under the Great Seal, and sanctioned by the Royal Signature. In the present case, how would his Majesty's Ministers be able

to give their Commission legal authority, without the Royal Signature? If they could do it in one instance, they could do it in more, and might proceed to a degree of enormity, dreadful to be conceived.

He urged the increase of difficulties, that must accumulate, if the circuitous mode, proposed by the second and third Resolutions, was persisted in. The Land and Malt Tax Bills would soon be necessary to be passed, and he asked, whether Ministers meant to maintain their fiction, by using it as an authority for levying money on the subjects? He insisted upon it, that however ably the argument might be urged in defence of the mode of proceeding, recommended by the third Resolution, and however the real nature of that proceeding might be glossed over and disguised; to all plain men, like himself, unacquainted with legal entanglements, and fictions of law, it would appear to be neither more nor less than a direct attempt in both Houses to assume the exercise of the prerogatives of the Crown, and legislate for themselves, in defiance of an express statute, to which he had before referred.

He called upon noble Lords to point out to him what difficulties voting the Address would subject them to. It would neither invalidate the Rights of the two Houses, recognize the claim of the Prince of Wales, (though much might be urged in support of it) nor prevent their proceeding to pass a Bill of Limitations, if it should be thought wise, to lay the Regent under any restrictions. With regard to the latter, the Address moved by the noble Lord by no means precluded such a Bill; but to attempt to pass it, at present, would be indecent and unfair. Let them fill the third Estate, declare a Regent, and establish the Royal Authority, and then, if it should be thought necessary to restrain its powers, combat them in a manly way, when the Royal Authority was capable of defence, and could act for itself. He took notice, that the second and third Resolutions had been argued on two grounds, that of political necessity, and that of expediency—two grounds, that essentially contradicted each other, because the one was compulsory, the other optional, depending merely on the opinion of those who acted upon it. He denied, that there could exist such a thing as political necessity; declaring, that a moral, clear, and intelligible necessity was an intelligible phrase, but that political necessity was not so, nor ever used as a fit ground for a parliamentary proceeding. He defined the distinction between necessity and expediency, and contended, that in the one case, deliberation might be had, in the other, it could not. He warned the Committee again and again, upon the danger of countenancing any departure from the limits prescribed by the Constitution to the two Houses of Parliament, and mentioned the circumstance of the House of Commons having, in
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the reign of Charles the First, wished to have it allowed, that, from that time forward, the Officers of State should be named and appointed by the two Houses of Parliament; observing, that, just before the King had erected his standard at Nottingham, a message was sent to him, to obtain his consent; but King Charles had thrown a die for the whole, and would not submit to hold his authority, as Sovereign, on limited conditions. Their Lordships well knew, the dismal scenes that followed, which ended in the dissolution of the Monarchy and the Constitution. His Lordship added a great many more pertinent observations, and repeated, in the strongest and most persuasive terms, his recommendation to the Committee, to adopt the short and easy path of voting the amendment, in preference to the circuitous road chalked out by the second and third Resolutions. He reminded them, that all agreed in the propriety of declaring his Royal Highness, the Prince of Wales, Regent; he asked, therefore, why should they differ about the means of constituting his Royal Highness to that office, when the readiest mode of doing it, with perfect safety to the Constitution, presented itself to their hands.

The noble and learned Lord, had desired them to recollect, that they were not merely called on to settle a temporary difference of opinion, but that they were deciding for posterity; he begged leave to join in the noble and learned Lord's request, and to urge it to their serious consideration with all the additional force, that his poor abilities could give it. They were establishing a precedent, that in times less enlightened than the present, might be used as the ground work of proceedings, the most fatal to the liberties of the People, and the existence of the Constitution, that could be imagined.

The *Duke of Richmond* could not imagine, why the suggested Right was not strongly contended for:—it ought to be decided upon; it had been boldly asserted in another place, that it did exist, and supported in that House by a noble and learned Chief Justice of his Majesty's courts; why was it, therefore, now attempted to be got rid of?—The precedents which were laid upon the table, his Grace affirmed, were many of them strictly analogous, and all of that kind, as should merit their attention. He saw no difference between agreeing to the three Resolutions, as from the Commons, or the amendment, as far as related to the innovation; for if the former were to proceed by a fiction, which he admitted would be the case, the latter, in praying his Royal Highness to assume the Royal Prerogative, did the same, only without the form or fiction.—Limitations of any kind were strongly objected to, for what purpose those who made the objections knew, but he, for one, could never agree to an uncon-
trouled Regent—was it intended, by the present amendment, that the

the Prince of Wales should instantly be invested with sovereign power?—If so, would he not be enabled to seize on the whole of his Majesty's personal property; and he would suppose a case, which he protested was merely supposition, that his Majesty, from his income in this country, and from revenues abroad, had saved a considerable sum, and laid it by for the purpose of providing for some of his numerous family; was the whole, in that case, to be taken by the Prince of Wales, and the family be dependent upon him? The King himself would be under his care, he would have the appointment of the physicians who attended him, nay, even the whole of his servants, from the two noble Lords who carried the white wands, to the lowest page in the household. So that when his Majesty should begin to recover, he might find every thing about him so deranged, that the mere knowledge of such an alteration might be enough to drive any other man out of his senses. He did not mean to cast the least reflection on the Prince of Wales, for whom he had the highest personal respect, but he thought no man ought to be trusted with power—it was the infirmity of human nature to be attached to its possession.

Lord Hawkebury had paid much attention to the precedents, and perfectly agreed with Lord Camden in their analogy and application—he averred it to be his opinion, that any inference, to draw a semblance between the present moment and the Revolution, were foreign to the subject; for at that time the Throne was vacant, and no one would surely state that to be the case at present. Our ancestors had acted upon the necessity of the times, and they had acted prudently; it behoved their Lordships, therefore, to take example, and follow their precepts.—The setting up a power to put the Great Seal, had been ridiculed as a fiction; perhaps it was so, and he would ask, what that could be termed, when Henry the Fifth died, and the Heir Apparent was only nine months old; the Lord Chancellor resigned the Seal into the infant's hand, and by that Seal a Parliament was called, and the great officers of state appointed.—So when Louis XIV. died, and the Duc d'Orleans became Regent for a few days, and had the whole power in his hands, the young King was carried and placed on the Throne, in a *lit de justice*, the Chancellor went upon his knees before him, stated the number of his troops, the proceedings of his Parliament, and reported the Royal Answer; were not these fictions? And if they had been before admitted in cases of necessity, he knew not why they should be objected to now.—In answer to Lord Stormont's declaration, that as the Great Seal was admitted to be undeniable evidence in a court of law, if the Lord Chancellor could put it to a Commission in the case proposed, he might do so to any Commission that he thought proper, without incurring danger of punishment; Lord Hawkebury said, that if a Keeper of the Great Seal should
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venture the risque of putting the Great Seal to any Commission, without the authority and sanction of the two Houses of Parliament, though it was true he could not be tried in a court of law, he might be tried before the High Court of Parliament, where an impeachment would reach him, and bring him to his merited punishment.—Another thing their Lordships should remember, was, that the House of Commons had passed these Resolutions, and what would be the consequence of there being avowedly a difference of opinion between the two Houses, which, notwithstanding what had been said to the contrary, in his opinion, were a complete Parliament, and competent to act, upon a case of emergency?

Lord Porchester declared his abhorrence of the idea of setting up a shadow, and proceeding upon a fiction, when there did not exist the least necessity for it. He thanked Lord Rawdon for his motion, and very successfully combated several of the axioms laid down in favour of the Resolutions, which, he said, were absolutely contradictory in themselves; for the first of them clearly and unequivocally declared, that the executive power of the Crown was incapable of acting, and yet the third Resolution went to employ that very executive power as an active agency.

A learned Lord said, he could see no difference between an Heir Apparent and an Heir Presumptive; the difference was plain in this simple case, the lineal succession could not be injured in the former, whereas it might in the latter; but that learned Lord had declared, there existed no difference between infancy, and incapacity by infirmities, although he believed the difference was plain to every man in the kingdom. He hinted at the necessity there was for caution in putting the Great Seal, without the King's command, as an Act of Indemnity might not always be procured, and yet it might be necessary. His Lordship deprecated a difference of opinion with the other House of Parliament, and said, in the very centenary of the Revolution, when the people were preparing to erect a pillar in honour of that memorable event, their Lordships were called to pull up by the roots the Constitution, which had been so gloriously established in 1688. He declared he felt abashed, as a Peer of Parliament, and a Member of that House, on finding that the House of Commons should have taken upon themselves to declare what was his right, and his duty.

Lord Carlisle could not perceive, that because the House of Commons had passed a Resolution, that was any additional argument why their Lordships should pass it also. The Commons, indeed, in this instance, had gone beyond their usual mode, for they had absolutely decided what was the Right of their Lordships, and so saved them the trouble of any enquiry.

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He thought the attempt to bring forward a decision of Right which had never been claimed, and especially after their Lordships had been told, from the highest possible authority, it never would, was very reprehensible; it was particularly incumbent on their Lordships to proceed with caution; for, in his opinion, it would be of infinite more consequence to differ in our proceedings with Ireland, than alter a Resolution of the House of Commons.—If we acted right and justly, there could be no doubt but Ireland would follow our footsteps, but if, on the contrary, we deviated from the path of propriety, we must expect her to differ as far as to the strait road of rectitude.—After exposing the futility of several of the precedents, he concluded, by expressing his hearty wishes in favour of the amendment.

The *Marquis of Lansdowne* began a most perspicuous and most pertinent speech, by declaring the question comprehended and involved in the discussion and decision of that day, to be of the greatest magnitude and importance, and meriting the most serious and solemn deliberation of any, that had ever engaged the attention of a House of Parliament. He owned, he said, it gave him very particular concern that Ministers had sent up the third Resolution from the House of Commons, at the same time that they had sent up the second, and that they had coupled it with it; not that he did not fully approve of the third Resolution, but merely because the circumstance of its having accompanied the second Resolution, had afforded the ingenuity of those, who wished to prevent the second Resolution from receiving the sanction of that House, an opportunity of drawing arguments out of the third Resolution, and applying them in objection to the second.

Ministers, he saw, had made the precedent of the early part of the reign of Henry the Sixth, the precedent for their proceeding. He thought they were right in so doing, and he wished to God, they had gone farther, and followed up the precedent in all its forms. Had such a measure been adopted, a measure which he should have considered as perfectly proper, and perfectly justifiable, a great deal of the argument, that their Lordships had that day heard, would have been cut up by the roots, and it would have been impossible for it to have been advanced.

In contradiction to the doctrines that had been asserted, about the two Houses of Parliament, and that they were then in a Convention; single and unconnected with any set of men as he stood, he had no hesitation in declaring, that the present was to all intents and purposes a Parliament, a Parliament regularly assembled. The King had assembled them, the King had the undoubted authority so to do, because the King was living. He pretended not to any great knowledge of law, but he knew enough of it to be perfectly assured, that, according to the law
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and the constitution, the throne was never vacant, and that the King in no age, nor in no condition, neither as a minor, or otherwise, was ever considered as unequal, and incompetent to the exercise of the royal functions. Minors in private life, he observed, had a variety of rights; they could present to livings, and could perform many different acts of considerable importance. He wished, therefore, that his Majesty's Ministers had come down at once with such a commission, as the third Proposition pointed out, and that instead of having to discuss the propriety of putting the Great Seal to such a commission, they would have had, in the first instance, to have acted upon such a commission. It would have coincided much with his opinion, in opposition to a practice that had of late years obtained, and especially during the American war, viz. the practice of coming to Parliament in the first instance, and receiving its sanction beforehand for the measures of executive government, thus confounding the legislative with the executive; taking away the responsibility from Ministers for their measures, and weakening the powers of enquiry and censure, which the Constitution had wisely lodged in Parliament.

This practice during the American war, their Lordships would do him the justice to recollect, he had constantly reprobated. It was a practice that ought to be resisted, because if it were suffered to prevail, it would confound the principles of the Constitution, and take away one of its wisest and most beneficial provisions. Noble Lords had observed, that some risk would have been run, if the officer holding the Great Seal, had, of his own authority, affixed it to a Commission to hold the Parliament in the King's name. Some risk, undoubtedly, would have been run, but great officers were created for the execution of great and important acts, and if they would run no risk and no hazard, they had no business in great situations. He could not, however, see that any great risk would have been run by any man holding the Great Seal, who, in the present critical situation of affairs, should have assembled the Parliament, and brought together the collective wisdom of the nation, especially when it was considered what sort of a Parliament the present was—not a Parliament packed for the occasion, but a free Parliament—a Parliament that had been approved by the country, and had been long in existence, previous to the unfortunate calamity, which every man lamented, but no man felt more sincerely, more seriously, or more at heart, than he did.

The single circumstance, of having called the Parliament together in the way that he had mentioned, would have cut up much unnecessary debate; and sure he was, that the two Houses were fully equal to the acquitting of any Minister, who had, in
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such an emergency, put the Great Seal to a Commission, constituting them a Parliament.

His Lordship spoke of the Precedents that had been adduced, and were contained in the Report on the table, in terms of respect; declaring that, in his opinion, it was impossible to have collected a line of Precedents more applicable to the circumstances in which they at present stood. In the course of the discussion, it had, he observed, been asserted, that no Precedent bore precisely on the case in point, and that could be adduced, in which a Prince of Wales, of full age, was not appointed Regent. Let those who confidently rested on that assertion, be so good as to tell him, when, in a situation like the present, there had ever existed a Prince of Wales of full age? They all knew that no such case had ever occurred.

Much, his Lordship observed, had been said of Right, and it had, on the one hand, been strenuously contended, that the Prince of Wales had an inherent Right to the Regency; on the other, that there was no Right but in the two Houses of Parliament. That the latter assertion was true, and the former untrue, he had the fullest authority for maintaining, an authority which, when he mentioned it, would convince every man who heard him, and put the matter beyond all question.

The authority to whom he referred, was one of the best constitutional writers that we had; it was Mr. Justice Foster, who, in his book on the Principles of the Constitution, denies the Right even of hereditary succession, and says it is no *Right* whatsoever, but merely a *political expedient*, calculated and contrived for the good of the governed, and with a view to preserve their peace and happiness, by preferring the chance of a variety of different men, to a variety of disputed claims, that might on every demise of a Sovereign convulse the empire, and throw all things into confusion. The Crown, Mr. Justice Foster said, was not merely a descendable property, like a laystall, or a pig's-stye, but was put in trust for millions, and for the happiness of ages yet unborn, which Parliament has it always in its power to shape, to alter, and to fashion, just as it shall think proper. And in speaking of Parliament, his Lordship said, Mr. Justice Foster repeatedly spoke of the two Houses of Parliament only. Let their Lordships, therefore, consider the danger of the doctrine, that there existed, in the Prince of Wales, a Right to exercise the Royal Authority during his Majesty's incapacity, and that the two Houses had no Right to interfere, or to appoint whom they considered as the most proper person to be the Regent.

A variety of cases might be put, his Lordship said, in which it might appear, that the Heir Apparent might be an improper person to be entrusted with the Regency. Suppose, for instance, the present *Prince of Wales*, instead of residing at Windsor, and setting

setting an example of affection and tender regard for the Sovereign; instead of doing the honours of the country to foreigners, and raising the national character for polished manners, as report said he had done, throughout Europe, he had been caballing away his time in the capital, intriguing with the army and navy, cultivating his interest with foreign powers, endeavouring to rouse the countries dependent on Great Britain, trying to render them subservient to his interests, and raising money to carry on his ambitious projects, and endeavouring, by undue means like these, to enforce his claim, and maintain his right—would not every man in the kingdom wish, that if such had been the conduct of the Prince of Wales, that there was a power in the two Houses of Parliament to step in, prevent such a character from being Regent, and appoint another. This proved, incontestably, the propriety, he might say, the necessity, of deciding the Right, existing in the two Houses of Parliament; and those who alledged the danger of touching upon the Right, had themselves made it to be absolutely necessary, because they all uniformly asserted, that there did exist a Right in the Prince of Wales, and yet every one of them had been afraid to argue it. At the same time he did not mean to say, that the Prince of Wales ought not to be the person named as the Regent; far from it, it was so much the general sense of the whole nation, that the Prince should; that if any member of either House was to maintain that he ought not, they well knew, the man who should be known to have been rash enough to have made such a declaration, when he went into the streets, would be torn into twenty pieces.

With regard to the intended limitations, whatever they should be; *that* made the decision of the Question of Right absolutely necessary; because it would, if avoided then, recur with double force, when the Question of Limitations came to be agitated. Besides, supposing that it should happen, when the Question of Limitations was debated, that it should be the general opinion, that the Prince of Wales ought to be sole Regent, without any restrictions whatsoever; in that case, it surely would be most desirable to have the Question of Right decided first. Where, he should like to know, was the danger to arise from, that made either the discussion or the decision of that question mischievous? Could any noble Lord, who professed so much fear, lest the discussion should take place in the House, state a single symptom of the danger, or of the disapprobation of the people, shewn in any part of the country, on account of the very ample discussion, the Question of Right had undergone in the House of Commons? Was the disapprobation of the people, occasioned by the decision of the House of Commons, to be found in the city of London? Was it to be found among the merchants of the city, who,

who, he saw, had advertised a meeting? Was it to be found in any city or great town throughout the country?

A noble Earl had talked of Ireland; had he found it in Ireland, or did he really think it would be found there? Had another noble Lord found it in Scotland? Where then could be the danger of discussing it in that House? There could be none. He wished it might be not only discussed but decided, that the eyes of all mankind might be opened to the important fact that must result from the discussion and decision, viz. that the people *had most essential Rights of their own, but that Kings and Princes had no Rights whatever*. He wished it might be decided for the benefit of foreign countries, that those who suffered oppression under governments the most despotick, might be taught their rights as men, and learn, though their rights were not like the Rights of Englishmen, secured by Precedents and Charters, yet that their Rights must be acknowledged as soon as ever they chose to assert them.

Since he had sat in Parliament, his Lordship declared, he never had given a vote more sincerely, with more heartfelt conviction, nor more conscientiously, than he should give his vote that night in favour of the three Resolutions, by which he hoped for ever to set at rest the claim of a Right to a Regency in any man, be that man who he might.

He declared, he could not suppress his astonishment at hearing noble Lords talk of the discussion and decision of that question, tending to weaken the Regent's government; the very reverse must be its effect; what could strengthen a government more, than, previous to its taking place, to have it declared on the full authority of both Houses of Parliament, that the right of nominating a Regent rested in the people, and that the Prince of Wales was chosen Regent, not from any claim of right on his part to that distinction and that high office, but with the unanimous voice of a nation of freemen!

Seen in this its true light, it was equally the interest of the Sovereign, and of the Prince of Wales, that the decision of the Question of Right should be first made in behalf of the people, and the Prince's Right stand solely on the favour and fondness of the people, who chose him to rule over them. No government could be so strong, no accession to power so glorious, as that originating in such a principle! Far beyond any advantage that could be drawn from a dark claim unadmitted and unacknowledged, the Prince would have the benefit and the happiness of being appointed the head of a free people, by their own unanimous consent, and thence he would be assured that they would support him in his situation, with their lives and fortunes, against every possible attack.

[In the course of his speech Lord Lansdowne said he was glad to see Noble Lords opinions had a little come round, and that the
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idea of the constitutional importance of the Royal Negative delivered there, when bills were presented, for the assent of the Crown, was not so unpopular, as it had been when he endeavoured to maintain it some time since in that House. He also said, he had enquired of foreigners, what the Electorate of Hanover had done on the present occasion, and he had received for answer, that neither in Hanover, nor throughout all Germany, had any instance of the kind occurred.]

Lord Loughborough rose the moment the Marquis of Lansdowne sat down, and in a speech of considerable length, maintained the doctrine of the Prince of Wales's having a Right superior, beyond all comparison, to the claim of any other man to the Regency, and that consequently the assertion, "that the Prince had no more right to the Regency than any other individual subject," was monstrous and absurd beyond all sufferance.

His Lordship began with saying, that after what had passed in that House, and elsewhere, respecting opinions delivered by him on a former day, it could not be supposed that he could let the opportunity pass by, without taking some notice of what he had alluded to. The noble Marquis who had just sat down, had, he said, delivered many sentiments in which he perfectly concurred, but as was frequently the case in debate, different men were agreed upon the same premises, and yet drew very opposite conclusions from each other; so he differed in the application of the inferences, made from the same premises, by the noble Marquis.

He would state at what point it was, that the opinions of the noble Marquis, and his own diverged from each other. His Lordship declared, that he grounded his doctrine respecting the Right of hereditary succession to the Throne, and, by analogy, the Right of hereditary succession to the exercise of Executive Power, on Mr. Justice Foster's Treatise on the Principles of the Constitution; and he was ready to admit, that a right to hereditary succession to the Throne was not an original vested right, that belonged in the first instance to one of a family, and was descendible to the heirs in like manner as descendible property of an ordinary description; but that it was made hereditary, for the general benefit of the community, and to guard against the danger and mischief resulting from the pretensions of a variety of claimants on the one hand, and the known and ascertained fatal consequences of an elective Crown.

With regard to the negative of the Crown, in the case of bills presented for the royal assent, he agreed also there with the noble Marquis, that the right of giving a negative in that case, was an essential prerogative, which might be exercised as an insurmountable barrier between the Crown on the one part, and the two Houses of Parliament on the other; but then he must contend,

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that there could exist but one possible case, in which it could be maintained, that a Prince of the House of Brunswick could be induced to exercise it ; and that was, where the two Houses of Parliament should have meditated and carried into all the effect that they could of themselves give it, an attack on the rights of the Crown, so repugnant to the sense and feelings of the people at large, that the King's pronouncing his negative on such a bill, when tendered for the royal assent, should be held to be a popular exertion of his Prerogative.

His Lordship proceeded to dwell at length on the words of the Resolution, and precedents which had been offered to the House. Of the latter he said, that of the *Revolution* was most in point, and yet was by no means strictly applicable. The bonds of society were then broken, and the frame of the government then underwent a temporary dissolution ! This was by no means the case at present. Their situation, though hazardous, was not, comparatively speaking, so near "*the brink and shoal of time*" as in the instance alluded to ; they were undoubtedly not far from danger, but there was, in his mind, no possible danger which could result, so much to be avoided, as that of the two Houses taking upon them to *legislate*, independent of the Kingly Authority. This danger was, by no means precluded, by their agreeing to interpose a commission, for the purpose of giving the shadow of Royal Assent to their proceedings. On the contrary, it would be looked upon, as proceeding from a consciousness of their want of power, and a disavowal of their right, even, in the very moment it was exercised.

His Lordship contended, that the Resolution of Right was purposely drawn, to cover a latent and a concealed purpose ; different from that which the words of it professed to import ; it was, he said, neither more nor less than a declaration on the part of the two Houses, that the Regent was an elective office, and that the two Houses of Parliament were the electors. He argued very elaborately on this position, and denied that the precedents were in point ; since the Parliament convened on the death of Henry the Fifth, was a compleat legislature, consisting of King, Lords, and Commons ; whereas now, they were only the two Houses, and had not considered themselves as a Parliament ; the Speaker of the House of Commons having, though, for his part, he thought without occasion, doubted whether he had authority to issue a writ ; not one of the standing orders having been enforced ; and there not having been any Votes printed, and various other forms, that belonged to a regular session of Parliament, not having been complied with. He doubted whether parliamentary privilege existed at that moment. He said, he did not mean privilege of Peerage, because, as their Lordships well knew, that privilege always existed, but privilege as a Member of the other House.

House. He asked the noble and learned Lord opposite to him, whether they could punish any man for a contempt; declaring, that he was not clear, if a man committed for a contempt, was to sue out his writ of *Habeas Corpus*, and be brought before him as a Judge, to be admitted to bail; whether he should or should not admit him, or remand him to custody? He believed, much as he respected their Lordships, and unwilling as he should be to incur the displeasure of the House, he should rather be swayed by fear of the man's bringing his action for damages, than by the danger of offending their Lordships, and incurring the censure of the House, whatever it might be.

He owned, that if the Parliament had been opened by a Commission under the Great Seal, as stated by the noble Marquis, one difficulty would have been solved, but not the difficulty on the present question; which must have recurred, whenever it came under discussion. He strenuously recommended agreeing with the amendment, moved by the noble Lord, as the readiest way of lessening their embarrassment, observing that the Legislature, when compleat, would certainly possess a sufficient share of power to carry into effect any parliamentary proceeding, which was necessary for its own existence; and that any Bill of Limitations could be brought in, and passed after the Regent was declared.

His Lordship commented on the very slight grounds of difference of opinion that there was among them; some had asserted that the Prince of Wales had an inherent right to the Regency; others that he possessed an irresistible claim; and others again, that he possessed neither, but was, nevertheless, the only fit person to be declared Regent. Being, therefore, agreed in the main point, he contended that they ought to proceed to carry that into effect, and not to waste more time about the mode of doing that, which, it was on all hands agreed, ought to be done forthwith.

His Lordship argued on the little analogy that the precedent of Henry the Sixth, in the 32d and 33d years of his reign, bore to the present time; instancing the message that had been sent to the sick King at Windsor, and his having been brought into that House a prisoner, and wounded, after the battle of St. Alban's, where he had been made captive, by the Duke of York, and a variety of other circumstances, founded on history, and different sources of information. His Lordship at length concluded, a very elaborate argument, with repeating his concurrence with the motion of amendment.

The Lord Chancellor left the woolstack, objected to the amendment, and combated the various arguments that had been advanced in support of it, and against the second and third Resolutions. His Lordship began with taking notice of that part of

Lord Loughborough's speech; in which the noble and learned Lord had questioned the existence of parliamentary privilege, under the present circumstances of the two Houses assembling, and had stated his doubt, in what manner he should be inclined to act, were a man, who had been committed for a breach of privilege, and had sued out his writ of *Habeas Corpus*, to be brought before him, to be admitted to bail; such questions, the Lord Chancellor said, were always disagreeable, and at that time peculiarly unpleasant. In his mind, penalties and punishments of any kind, ought not to be annexed to mere error of judgment in magistrates; but, he would venture to say, that if such an instance were to occur to the noble and learned Lord himself, as a Judge, and he should think it his duty to refuse to admit the man to bail, and should be of opinion, that it belonged to the public, that the man ought to remain in custody, the noble and learned Lord would do his duty, and remand him, without the least consideration either of the 500*l.* penalty, or the other penal provisions of the statute.

Having said this, his Lordship proceeded to consider the words of the amendment that had been proposed, and declared he was glad, that the words of it had not been of the noble and learned Lord's supplying; because, he was sure, they were not only irreconcilable to the noble and learned Lord's arguments, but such as conveyed no distinct or precise meaning whatever. Had those, who proposed the amendment, been so good as to have explained what they meant, or accompanied the recital of the words of the amendment, with any thing like a reason, to shew their propriety and application, the House might, possibly, have known how to have treated them; as they stood at present, they were mere *insensible* words, conveying no distinct import. The words purported to be a Resolution of that House, "that an humble address be presented to his Royal Highness the Prince of Wales, praying his Royal Highness to take upon himself, as sole Regent, the administration of Executive Government, &c. He begged to know what the term *Regent* meant? Where was he to find it defined? In what law book, or what statute? He had heard of *custodes Regni*, of Lieutenants for the King, of Guardians and Protectors, and of Lord Justices; but he knew not where to look for an explanation of the office and functions of a *Regent*. To what end then would it be to address the Prince of Wales to take upon himself an office, the boundaries of which were neither known nor ascertained? But the amendment attempted something which, probably, was intended as a sort of definition of the term *Regent*, and of the nature of a Regent's office, by adding, that what the Prince was, to be prayed to take upon himself as *sole Regent*, was, the Administration of Executive Government; there again, however, the expression was dark and equivocal.

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What was meant by the *Executive Government*? Did it mean the whole Royal Authority, did it mean the power of Legislation, did it mean all the Sovereign's functions, without Restriction or Limitation of any kind whatsoever? If it did, it ought to have said so, in express words; and, if it had, would any noble Lord have contended, that such a broad degree of authority, as amounted to the actual dethroning of his Majesty, and wresting the sceptre out of his hand, ought to be voted by that House?

He begged their Lordships constantly to recollect, that in the contemplation of law, the political character of a King of Great Britain, was always whole and entire, and he desired them, at the same time, to keep in mind, that the King's natural character was inseparable from his political character.

It was, as Sir Matthew Hale, who had been mentioned in the course of the debate, had well observed, owing to this having been somewhat lost sight of, that so many mischiefs had ensued to this country. A King was always, though a minor, as had been well stated by a noble Marquis, and, in all circumstances, considered as competent to exercise the Royal Authority; though, from the frailty of human nature, he might not be adequate to perform the duty of Executive Government, whence it became necessary to provide for supplying that defect.

His Lordship adverted to the precedent in the early part of the reign of Henry the Sixth, and went through the particulars of the Bishop of Durham, then Chancellor, going to the infant King, when a child of nine months old, in his cradle, and delivering up the Great Seal, which was immediately put into the hands of the Master of the Rolls; who went into another room, and put the Great Seal to a Commission, empowering the Duke of Gloucester to call a Parliament together, and to a variety of other Commissions; it being then the custom for all Commissions to cease on the demise of the Sovereign; so that if the step that had been taken, by the great men of that day, had not been adopted; there would not have been a Magistrate in the kingdom who could have acted.

He stated the proceedings of the Parliament assembled by virtue of the writs then issued, which had been sent, the writs for representatives of counties down to the sheriffs, and those for boroughs to the last returning officers. The very first bill passed by that Parliament, was a Bill of Indemnity to those who had made use of the Great Seal as he had described. He reasoned upon this fact, and maintained the close analogy, that the precedent bore to our present situation.

He justified the taking the advice of the two Houses of Parliament, on the present occasion, as the best mode of proceeding; of old, when the number of Privy Counsellors was not so great as at present, and when it was not customary for his Majesty to

have those persons Members of his Privy Council, who he never chose to meet ; in a dilemma like the present, the measures to be adopted for the public safety might originate there ; and others there were, who thought his Majesty's Cabinet Council the proper place : he differed in respect to both. He had heard, indeed, of some Antiquaries, who were of opinion, that upon such emergencies, a middle Council between the two, composed of the Judges, and the King's Ministers, ought to be formed ; but the best Council of all, in his judgment, was the Grand Council of the nation ; and he begged their Lordships to recollect, that Ministers had risked something in suffering the two Houses of Parliament to assemble on the expiration of the Proclamation of prorogation, and without giving four days notice to any individual Member of either House.

It was now said, when the rights of the two Houses to supply the defect in the exercise of the Royal Authority, were discussed and decided, and they were called upon, to concur with the House of Commons, in resolving the means that were to be resorted to for that purpose ; that the two Houses were about to exercise the powers of the Executive Government, and to do an act of legislation. Had Ministers, of themselves, put the Great Seal to a Commission, for calling the two Houses together, and opened Parliament in that way ; he was persuaded, that the charge of their being about to take upon themselves the Executive Government would have been thundered in their ears ten times more loudly.

He said, he would tell that House, what had been his opinion, when the unfortunate calamity, that had put them under the present circumstances of difficulty was first known. It was to resort to the Grand Council of the nation, and to call upon them, in the face of the public, to act upon their own wisdom and authority.

With regard to the argument that *political* necessity ought not to be the ground of a proceeding of an extraordinary nature, because it was not so well known as *moral* necessity, the very reverse was the fact ; political necessity being much better known than any other necessity ; having been repeatedly made the ground of the most important proceedings to be found in their history. But it was said, if upon the principle of political necessity, they could, in any one instance, assume the executive authority and legislate ; they might carry that unconstitutional practice much further, so far, indeed, that there was no knowing to what extent the doctrine might be carried. This his Lordship considered as idle and absurd, since the necessity, that pressed, went to one point only, and no further, viz. to the passing a bill to enable them to appoint a person Regent, and at the same time to define what was

meant by such appointment, and under what specifick limitations the Regency was to be carried on.

That the unanimous voice of the public, pointed to one person only, and that, the Prince of Wales, was, he admitted, a circumstance highly fortunate for the country. No man had a higher respect for the Prince, than he had; he wished him as well as those who affected to be more mindful of his interests; but he would not, for that reason, argue that he possessed any inherent right to the Regency, or that the Prince of Wales, as Heir Apparent, could possess any such right. The Prince had a better interest in the Crown, than he could have in the Regency; and it was all their duties to take care to preserve the Crown safe on the head of the Sovereign, in order when, in a due course of nature, it should descend to the Prince of Wales, he might receive it solid and entire, as it had been worn by his Majesty, previous to his present infirmity. The joint interests of the King upon the Throne, and the Heir apparent who was to succeed to it, were what they were bound to watch over and preserve. All that was necessary of power and authority, consistent with every other constitutional interest, he was ready to allow; but, beyond that, no personal motives could induce him to proceed, as he always maintained the maxim,

Vir bonus
Qui consulta patrum, qui leges juraq; servat.

His Lordship took notice of the precedent of Edward the Second, who had fled towards Ireland, and was taken somewhere near Beaumaris, and, when in custody as a prisoner, was sent to by Mortimer and the Queen, who besought his Majesty to let them have the Great Seal to use it, *ad conservandum pacem Regni, et ad exhibendum justitiæ*; but when they got it, they had influence enough over the imprisoned King, to make him, on his own part, declare that he delivered it not merely *ad conservandum pacem Regni, et ad exhibendum justitiæ*, but *pro gratia*; and it was used, his Lordship said, *pro gratia* with a witness, for the Queen and Mortimer put the Great Seal to writs, by the authority of which, they sold half the demesne lands of the Crown.

His Lordship spoke of the high qualities of the Prince of Wales, in terms of great praise; but, he said, there might be Heirs Apparent, whose lives might have afforded the two Houses sufficient reason for setting them aside from the Regency; he maintained, therefore, that it was expedient that the two Houses should not abandon such a power, nor under the circumstances of the case, avoid avowing it to be their right.

He observed, that those noble Lords, who had talked of the Right of the Prince of Wales to the Regency, had not ventured

to argue it, but had said, as all men were agreed that the Prince of Wales, whether he had any Right or not, ought to be the person appointed Regent, the wisest way would be for that House to address him immediately to take upon him, as sole Regent, the administration of the executive government. He shewed, that were such advice fit to be followed, that even the two Houses would be under the necessity of legislating for themselves; and yet the very persons who gave such advice, upon arguing the third proposition, said, if they attempted to legislate, in a single instance of unavoidable and pressing exigency, the Statute of the 13th Charles II. was directly in their teeth.

He agreed with the Marquis of Lansdowne, as to the constitutional importance of the Crown's having the power of a *negative*, when Bills were tendered for the Royal Assent; declaring, that he not only concurred entirely with the noble Marquis on that point, and had thought himself indebted to him for the pains he had taken, on a former occasion, to point out the utility of such a power being lodged in the Crown; but was satisfied in his own mind, that so far from that being a power, which no Prince of the House of Brunswick was likely to exercise, a day would occur, sooner or later, in which the salvation of the Constitution and the Country, might depend on the royal Exercise of that truly important prerogative.

His Lordship made use of a great many other pertinent and cogent arguments, to prove, that the interests of the Prince of Wales would be best served, by agreeing to the Resolutions, and proceeding to ground a Bill upon them, in which the degree of authority, and the nature of the functions to be vested in the person who was to stand between the Crown and the two Houses of Parliament, should be precisely marked and ascertained, as well as the extent of the limitations which the exigency of the case might require; and that some conditions ought to be annexed to the tender of the office, no thinking man, he was persuaded, would deny.

Lord Rawdon, defended the words of his Motion, from the imputations cast upon them, and said, that, notwithstanding the various legal allusions and logical subtleties which the genius of ingenuity had used against the amendment; he was convinced he was acting upon the principles of constitutional justice, by endeavouring to cancel Resolutions, inimical to that spirit of national freedom, which it had been the Pride of his political life to cherish and maintain.

At half after twelve the House divided on the Question, that the words of the Resolution, as originally moved, stand part of the Question.

Ayes
Noes

99
66

Majority

33

The second Resolution was then read, and the Previous Question being moved, it was determined in the *negative*; the Question was then put upon the second Resolution and it was *affirmed*.

The third Resolution was next read, and being objected to, the Question was put, when the Question was *affirmed*.

The Report of the Resolutions was made to the House by Lord Onslow, and the same was ordered to be taken into farther consideration next Monday; to which day the House adjourned at one o'clock.

There were thirteen Dukes, including two of the Royal Family, four Marquisses, seventeen Bishops, besides upwards of fifty Earls, six Viscounts, and near sixty Barons in the House.

List of the Division in the House of Lords, on the Question of the Amendment to the Resolution moved by Lord Rawdon.

Contents.	Contents.	Not Contents.	Not Contents.
The Dukes of York	Lords Audley	The Dukes of Richmond	Harrington
Cumberland	St. John	Beaufort	Warwick
Norfolk	Clifton (E. of Darnley)	St. Alban's	Harcourt
Bedford	Teynham	Brandon	Darlington
Portland	Craven	Chandos	Fauconberg
Devonshire	Boyle (E. of Cork)	Bridgewater	Delaware
Northumberland	Hay (E. of Kinnoul)	Newcastle	Radnor
Marq. of Townshend	Cadogan	Montague	Chatham
Earls of Derby	Monson	Marq. of Stafford	Bathurst
Huntingdon	Chedworth	Landowne	Aylesbury
Suffolk	Ponsonby (E. of Besborough)	Earls of Salisbury	Clarendon
Carlisle	Walpole	Denbigh	Leicester
Sandwich	Pelham	Westmoreland	Uxbridge
Stamford	Egmont	Winchelsea	Norwich (D. of Athol)
Exeter	Vernon	Chesterfield	Gordon)
Peterborough	Cardiff	Essex	Talbot
Shaftesbury	Foley	Doncaster	Strange (D. of Visc. Howe)
Plymouth	Loughborough	Abingdon	Weymouth
Jersey	Porchester	Gainsborough	Falmouth
Scarborough	Rodney	Rochford	Edgcombe
Cholmondeley	Rawdon	Coventry	Lords W. de Broke
Buckinghamsh.	Douglas (D. of Queensberry)	Pawlet	Howard of Walden
Fitzwilliam	Malmesbury	Oxford	Osborne (Marq. of Carmarthen)
Hertford	Stawel	Aylesford	Middleton
Ilchester	SCOTS PEERS.	Suffex	Onslow
Spencer	Marq. of Lothian	Stanhope	Romney
Aberavenny		Macclesfield	
Visc. Hereford		Kerr (D. of Roxburgh)	
Bolingbroke		Waldegrave	
Maynard		Edingham	
Hampden			

Earls

Contents.
 Earls of Eglington
 Cassils
 Selkirk
 Bredalbane
 Viscount Stormont
 Lord Kinnaird
 BISHOPS.
 Bp. of Winchester
 Landaff
 Bristol

Not Contents.

King
 Montford
 Fortescue
 Scarfdale
 Boston
 Digby
 Sundridge (D.
 of Argyle)
 Amherst
 Rivers
 Thurlow (Ch.)
 Harrowby
 Brudenel
 Walsingham
 Bagot
 Sydney
 Louvaine
 Carteret
 Elliott
 Bulkeley
 Sommers
 Berwick
 Delaval

Not Contents.

Hawkebury
 Dover, Kenyon
 SCOTS PEERS.
 Earls of Morton
 Moray
 Galloway
 Hopetoun
 Elphinstone
 Cathcart
 BISHOPS.
 Arch. of Canterbury
 Bishop of London
 Durham
 Bath and Wells
 Carlisle
 Salisbury
 Peterborough
 Worcester
 Chester
 Lincoln
 Bangor
 Gloucester
 St. David's

The following Peers, who would have voted with the Minority, were absent on account of illness, though in town.

The Duke of Gloucester
 Earl of Egremont

Lords Sandys
 Grantley

P R O T E S T.
 HOUSE OF LORDS.

Die Lunæ, 29 Dec. 1788.

THE Order of the day being read, for taking into consideration the Report from the Committee of the whole House, appointed to take into consideration the State of the Nation, and the Resolutions of the Commons, relative to his Majesty's indisposition, and the means of supplying the defect of the personal exercise of the Royal Authority arising therefrom, delivered at a conference on the 23d instant, which were referred thereto. And the Report of the said Resolutions being read by the Clerk.

Moved to agree with the Commons in the said Resolutions.
 The question was put thereupon.
 Resolved in the affirmative.

DISSEN.

DISSENTIENT,

1st. Because we adhere to the ancient principle recognized and declared by the Act of the 13th of Charles the Second, that no Act or Ordinance, with the force and virtue of a law, can be made by either or both Houses of Parliament, without the King's assent; a principle standing as a bulwark to the people against the two Houses, as the two Houses are their security against the Crown.

2dly. Because this principle is tacitly admitted by the Third Resolution, while it overthrows the practice, by a simulate appearance, of the Royal assent, under a Commission to pass Bills, a Commission which would be inconsistent with the provisions of an Act of 33d Henry the Eighth, requiring, that every commission shall be signed by his Majesty's hand. In our present unhappy situation, that essential requisite being unattainable, we cannot condescend to give a sanction to a counterfeit representation of the Royal Signature, and we dare not assume a power to dispense with the law which makes that Signature essential to the validity of a Commission to pass Bills.

3dly. Because we conceive, that the unquestionable Rights of the people, so fallaciously represented as being upheld by these Resolutions, are violently infringed by an unnecessary assumption on the part of the two Houses, of powers beyond those which the nation has assigned them. Invariable practice in all good times, and positive laws established by complete Parliaments, truly and constitutionally representing the nation, have defined these powers. And we cannot but regard, with the utmost apprehension, any proposal to overstep those boundaries; when the consequence of such usurpation is so fatally marked in the history of our country.

4thly. Because it was confessed, in the debate, that the powers of this Commission were not to be confined solely to the act of appointing a Regent; to what other purposes they may extend were not explained. State necessity, the avowed ground of the measure, may serve as the pretext to any diminution of the just prerogative of the Crown, or of the liberties of the people, that best suits the designs of ambition. Fatal experience had shewn, to our ancestors, the boundless mischief of power thus usurped under plausible appearances; and it is peculiarly the duty of the House of Peers to check the renewal of the practice to assume the name, without the substance of the Royal Authority, by which this House was once annihilated, the monarchy overthrown, and the liberties of the people subdued.

5thly. Because these dangerous and alarming consequences of the measure adopted would have been obviated by the amendment rejected. It proposed to substitute a measure, conformable to the practice of our ancestors, at the glorious æra of the Revolution.

volution. They seized not upon public necessity as a convenience for the usurpation of new powers, but proceeded in a plain and explicit form to the revival of the Royal Authority with full efficacy, before they entered upon the exercise of their legislative functions. Pursuing a similar course, the amendment proposed the immediate nomination of the natural Representative of the King, the Heir Apparent of the Crown; to whom alone, it was universally admitted, the eyes and hearts of all men, during the present unhappy conjuncture, were turned; that with a perfect and efficient Legislature, such future provisions might be enacted, as the preservation of the full and undiminished Authority of the Crown, and the Liberties of the People, may require.

FREDERICK	HENRY
Northumberland	Hereford
Suffolk and Berks	Cholmondely
Maynard	Foley
Rawdon	Boyle
Audley	Lovel and Holland
Clifton	Abergavenny
Chedworth	Teynham
Wentworth Fitzwilliam	Bedford
Walpole	Cadogan
Derby	Carlisle
Scarborough	Cassilis
Porcheffer	Cardiff
Southampton	Hay
Hertford	Kinnaird
Plymouth	Loughborough
Ponsonby	Pelham
Spencer	Devonshire
Norfolk, Earl Marshall	Chr. Bristol
Breadalbane	Craven
Malmesbury	Huntingdon
Rodney	Lothian
Selkirk	Townshend
Portland	

A Protest, with two Princes of the Blood at the head of forty-seven Peers of the realm, is a circumstance unprecedented in the history of this country. The above Protest is, in every instance, as comprehending the most exalted, illustrious, and ancient nobility, as well as those, who, from their hereditary fortunes, have the greatest stake in their country, the most remarkable to be found in the Records of the House. One instance only appears in the Journals, wherein it is exceeded in number; which

is, the Protest entered in the year 1709, on the Impeachment of Dr. Sacheverell, which was signed by fifty-one Lords.

MONDAY, DECEMBER 29.

HOUSE OF LORDS.

THE Report of the Committee of the whole House, which sat on Friday, upon the State of the Nation, and the Resolutions read by the Clerk.

Upon the Question being put on the first Resolution,

Lord Rawdon rose; he declared, that after what had passed on a former night, he had but little right to hope for a more favourable termination upon the amendment he then took the liberty of proposing, by any repetition; yet, in justice to himself, and to the sentiments of those noble Lords, who had done him the honour to agree with and support his ideas on that head, he should now propose the same amendment to the House he had then done in the Committee:—it was by no means his intention to obtrude on their patience, by a recapitulation of what had been said in its behalf, but he did it merely with the view, and for the sole purpose of having it entered upon their Records, which he understood would not be otherwise the case; and he was still so firmly convinced of its justice and propriety, that he could not consent to this business being handed down to posterity, without a justification of himself and those who voted with him. His Lordship then made his Motion, which was negatived without a division.

The words moved, by way of amendment, to be added to the first Resolution, were then read, and upon the Question put, negatived.

The first and second Resolutions were then severally read and agreed to.

On the Question being put on the third Resolution,

Lord Hay (Earl of Kinnoul) rose, and began with observing, that although he was conscious, after the very able and weighty arguments that had fallen from different noble Lords in the debate in the Committee, nothing he could say could alter their Lordships opinion on the Question; yet feeling its importance, and considering the third Resolution as inimical to the Constitution, and as tending to authorize his Majesty's Ministers to set up a fourth estate, he could not resist the opportunity of delivering his sentiments on the subject.

Our

Our Constitution, his Lordship said, had long been looked up to, with envy, by foreigners, had long been admired and revered at home; with a Constitution so eminent in itself, so justly esteemed, innovations were dangerous, and he believed no man would undertake to say, an attempt in the two Houses of Parliament, to set up any individual or set of men, to give the Royal Assent, was not at least, bordering on innovation.

His Lordship then spoke in a very pathetic manner on his Majesty's melancholy situation, as that which naturally would first present itself to the minds of all men, and respecting which there could be but one sentiment, universal regret, accompanied with the most ardent and sincere wishes, that the health of our beloved Sovereign might be soon re-established, and that he might be speedily restored to his loyal and affectionate subjects.

His Lordship said, he had deprecated the discussion of the Question of Right. It had been agitated without a sufficient parliamentary ground; because a noble Lord in that House, and an Hon. Gentleman in another, had casually alluded to it in their speeches; and because rumour had breathed upon it abroad. He asked, would their Lordships substantiate a shadow? Would they make the idle buz of the streets the ground-work of their proceedings? He adverted to the precedents that had been relied on, because the circumstances of them were, in some respects, similar to those of the present crisis. He asked, whether the dissimilitude they contained ought not to have as much weight as their similarity.

Though it had been laid down by an high authority in that House, that there was no difference between an *Heir Apparent* and an *Heir Presumptive*, he must, unlearned as he was, refuse his consent to the noble and learned Lord's doctrine. An *Heir Presumptive*, their Lordships well knew, was that sort of heir, whose pretensions to the succession were liable to be of no avail, by the possibility of another heir arising, to the exclusion of the *Heir Presumptive*; whereas an *Heir Apparent* had no competitor. An *Heir Presumptive*, if he was an ambitious man, might aspire to a Right that eventually would not have devolved on him, had not his own unjust projects and machinations acquired it to himself, by means the most indirect. An *Heir Apparent* was under no necessity to have recourse to such conduct to secure his Right; because he knew that, in the common course of nature, it must come to him. His Lordship laid down the distinction with great perspicuity, and after going through many arguments against the third Proposition, said, one observation had fallen from the noble Viscount near him, that struck him as an unanswerable argument against the Resolution; and he the rather thought so, as he observed no answer had been given to it. What he alluded to, was the noble Viscount's declaration, that every
Commission,

Commission, for giving the Royal Assent to Bills, must have the authority of the King's sign manual, and that not merely as a matter of practice, that might be dispensed with, at the option of the Crown, but by the directions of an express statute. [He desired the Clerk to turn to an Act passed in the 33d of Henry VIII. from whence the clause was read.]

His Lordship reasoned upon this, much at length, and reprobated the intention of limiting the Regent, and subjecting him to restrictions, contending, that they might, with equal policy and propriety, limit and curtail the Sovereign Authority of the Crown itself. The Royal Prerogatives were not, he said, given to the Monarch himself, they were not granted to gratify his pride, and satiate his vanity, but for the benefit of the community, for the public good, which would necessarily suffer, by their being abridged and curtailed when in the hands of a Regent, as in the hands of the Sovereign himself. His Lordship added a great variety of arguments in support of the amendment that had been moved and negatived.

Lord Kinmaird followed on the same side. His Lordship began with declaring the Third Resolution so ambiguous, that it was not in his power to comprehend its meaning; he desired the Clerk might read it once again. This having been complied with, he urged the necessity of some explanation being given to the House, of what its import truly was, and what the system of measures intended to be pursued under it. He said, he might conjecture, but as he did not wish to combat mere conjecture in his argument, he would sit down to give Ministers an opportunity of explaining what their plan was, before he proceeded to reason upon it.

No answer being given, his Lordship rose again, and said, since his Majesty's Ministers had not thought proper to explain the Resolution, he must meet it, as well as he could, under such dark and mysterious circumstances. He reminded the House, that a noble and learned Lord, had, in the last debate, charged the amendment, moved by his noble friend, with being composed of words without meaning; upon at least as good a ground was he entitled to deny, that the word of the third Resolution conveyed any *sensible* meaning to the reader. The principal pursuit, that he could discover in this business, was, an attempt at some sort of limitations upon the person who should be invested with the regal power, during his Majesty's incapacity.—Was the Crown in possession of more authority than was actually necessary for the public good? If not, how was it possible that any substitute should be capable of transacting the duties of that office, without being invested with the same authority?—It was absurd, it was a mockery, not only in that point of view, but in every possible way, in which it had hitherto been held forth. After a few

few observations on the construction of the Resolution, his Lordship argued against it very forcibly, and at great length; but as we did not distinctly hear enough of the noble Lord's reasoning, to be able to follow him regularly through his speech, suffice it to say, he very ably opposed the objection.

The *Earl of Suffolk*, in a short speech, condemned the Resolution as tending to subvert the Constitution, where there was no occasion to have recourse to such a project. While they were wasting time in debating abstract questions of theory, what, he asked, must be the situation of the Prince of Wales? Their discussion of the Question of Right had been altogether idle and unnecessary, as no Right had been set up in opposition to the Right of the two Houses, and they had heard from the highest authority, and in a manner that could not but have impressed them all with the most profound reverence and respect, that no claim of Right would be brought forward by his Royal Highness. He reprobated the assertion, that any other person could have an equal Right to the Regency with the Heir Apparent, as a doctrine in the highest degree unconstitutional. He spoke of the idea of limiting and restraining the Regent, and investing him with only a portion of the Royal Authority, as an idea equally repugnant to the known law of the land, and the principles of the Constitution. But even allowing, for the sake of argument, that some limitation would be proper, he asked, where were the energies of the Constitution, if they could not pass such a bill, as the occasion might require, after the Regent was declared? He quoted a passage from a known admirer of the equilibrium of the British Constitution, M. De Lolme, in confirmation of his argument against portioning out the Regal Authority. The passage was as follows:

"And I shall take this opportunity to make the reader observe, in general, how the different parts of the English government mutually assist and support each other. It is because the whole executive authority in the state is vested in the Crown, that the people may, without danger, delegate the care of their liberty to Representatives; it is because they share in the government only through these Representatives, that they are enabled to possess the great advantage, arising from framing and proposing new laws; but for this purpose, it is again absolutely necessary that the *Crown*, that is to say, a *veto* of extraordinary power, should exist in the state."

His Lordship denied the existence of any necessity for proceeding in this manner; the whole nation seemed to have but one sentiment, and breathed the same voice: indeed it would have been strange if it did not; the exemplary conduct of his Royal Highness the Prince of Wales, was such as to endear him to all mankind, and he confessed he looked forward with full con-

confidence, to the moment he should be invested with power—a power, which the love for our beloved Sovereign, must make every man wish to be of short duration; yet, however short, he doubted not, would be full of glory to himself; and if not shackled with unworthy restrictions, of advantage to the country. What were the intended restrictions, limitations, or whatever name the framers intended to give them, he did not know, but he had heard much said upon the distress it would be to his Majesty, to find upon his recovery, that an alteration had been made in the servants of the Crown; in his opinion, it would be much more distressing, to find his confidential servants had endeavoured to infringe the royal prerogative, and doubted the virtues of his son. He expatiated on the consequence of depriving the Prince of the free exercise of his will, in the choice of his servants, and forcing him to employ those Ministers, whose unceremonious treatment of him, must have rendered them disagreeable to his Royal Highness to be connected with, would at once destroy all confidence in their measures, and thus render a vigorous government impossible. The public, however, he was certain, would experience no loss by that change. He could, were it not for taking up too much of their Lordships' time, draw a comparison between those who at present were in office, and those whom they succeeded; but he thought he should not be suspected of asserting up too much in saying, there was full as much talent and ability to be found among those who were out, as those who were in office, and he believed that it was the knowledge of their very great ability, that was a considerable cause towards getting them out of office; for it was apprehended, lest those talents they were known to possess, should be exerted to render their situations permanent and secure; and upon this ground it was, the nation at large were taught to believe there was some truth in the report of a foundation of a fourth estate;—without, however, dwelling upon facts that were so well known, he would seriously entreat their Lordships, not to suffer any shackles upon the necessary power of the Representative of the Sovereignty; he had heard it once observed, that if you make such reductions on the throne, the crown will be unworthy for a gentleman to wear; and he was sure, that if these suspected limitations were adopted, they would render the Regency unworthy a gentleman to accept.

The *Duke of Norfolk* could not look upon this silence, on the part of administration, in any other light than a neglect and reflection upon that House. He knew there were times, that it was necessary to withhold information that might be called for, but then it was always done upon the plea, that by giving the particulars of any plan, foreigners might have the power of defeating its intended effect; but this could not be the plea at present,

sent, for if the plan was a good one, he believed a single individual would not be found to give it the least obstruction—nay, he would go still farther, and insist upon it, that it was the duty of Ministers, to give the required information, and consult with their Lordships upon the measures they intended to pursue.

His Grace charged Ministers, with having treated that House with great indecency. Unfortunately situated as they all were, his Majesty's Ministers had only that House to consult, as the grand council of the nation; they could not, it was confessed on all hands, consult his Majesty, as had formerly been the case, and, therefore, in a moment of emergency like the present, they ought to have stated to that House, the whole of the plan they meant to pursue, that their Lordships, as constituting the grand council of the nation, might be enabled to discharge their duty, and exert their wisdom, in furnishing such advice to Ministers, as the exigency of the case might require.

Another matter, his Grace said, struck him as worth enquiry, which was this; however much they had affected to differ, respecting the right of the Prince of Wales, and the rights claimed by the two Houses of Parliament; (the discussion of which he, as well as many other Lords had deprecated, as unnecessary on the one hand, and mischievous on the other), his Majesty's Ministers had, one and all, declared, that, in their opinion, only one person ought to be entrusted with the royal authority, and with the reins of executive government, and that person they had said, was the Heir Apparent. This being the case, he desired to know, if his Majesty's Ministers had consulted the Prince of Wales, in respect to the steps already taken on the subject. If they had not, in his opinion they had treated his Royal Highness with very little respect or decorum, and had acted in a manner inconsistent with themselves. Upon these grounds he should give the Resolution his negative.

The *Duke of Richmond* said, the whole of the subject had been so fully gone into last Friday, and discussed in all its parts so much at large, that he had not expected the debate would have been again taken up, and questions started upon points, that he really conceived had been settled already.

With regard to the third Resolution, he had not the smallest difficulty in telling the noble Lords, what he conceived to be its meaning, and that was all he could undertake. He conceived the plan to be pursued, under the authority of the third Resolution, to be simply this: to issue a Commission under the Great Seal, empowering Commissioners to open the Session of Parliament; then to pass a bill, enacting the nature of the office to be exercised by the Regent, and providing the powers necessary for the due and effectual exertion of his authority; and when such bill had gone through its several stages, and was ready for the
royal

royal assent, to issue another Commission, appointing and empowering a Commissioner, in his Majesty's name, to give the royal assent to such bill.

With regard to the charge made against his Majesty's Ministers, of having treated that House with indecency; by not having stated to them the plan they intended to pursue, he really was at a loss to guess, on what part of the conduct of his Majesty's Ministers, on the present occasion, the noble Duke grounded his censure; every step that his Majesty's Ministers had taken, having been public, and having met with the concurrence of their Lordships.

As to the other charge, that of not treating the Prince of Wales with due respect and decorum, he did assure the noble Duke he, as one of his Majesty's servants, felt the force of the remark deeply, and should be as ready as any man to acknowledge, that if Ministers did not communicate both to that House, and to his Royal Highness, every measure they meant to take respecting the Regency, they would act with a very unbecoming degree of disrespect; but the noble Duke would be so good as to recollect, that the business of that day, and the business they had hitherto been engaged in, were each of them of a very different nature from that matter. They had hitherto been employed in ascertaining their own powers, and enquiring what they had a right to do, and what they had not. The vote of that day, he trusted, would decide the point, and then the next thing would be, to proceed in a Parliamentary way, to the carrying their object into effect; but as that was totally a distinct and different consideration, from the Resolutions then before them, he need not take up the time of the House by any premature animadversions on the subject.

Lord Porchester rose as soon as the Duke of Richmond sat down, and said, it was evident, from what had fallen from the noble Duke, that the House had been called upon to vote, what, after all, they had it not in their power to perform.

His Lordship still was of opinion, that their Lordships had an undoubted claim to be informed, particularly, of the whole plan that administration intended to pursue; but as several noble Lords had failed in their endeavours to procure that information, he despaired of being more successful; yet he could not avoid risking the chance, by asking the noble and learned Lord who sat upon the woolsack, one plain and simple question: "Did that noble and learned Lord think, in the present instance, that he was bound to comply with the orders of the two Houses of Parliament, be what they might?" This might, at first, appear a very strange question; and yet, if their Lordships gave it one moment's consideration, he trusted they would find it a very ne-

cessary one; for if that noble and learned Lord did not think himself so bound, for what had they been debating?

It had been decided by their Lordships, that the Prince of Wales, although he put in no claim, had no right; the right, the House had said, was in the two Houses of Parliament; and yet, supposing the noble and learned Lord should not think himself bound to obey their commands in every measure, and should disapprove of what was carried to him for the Great Seal, he might refuse to put it; and which every man in this kingdom knows, that learned Lord had manliness and integrity to do, if he thought it improper; in this case then, the Right about which so much had been said, at last belonged entirely to the noble and learned Lord. It might be said, that learned Lord would be sufficiently acquainted with it in its formation, and therefore it stood no chance of his refusal; but this did not prove that he could not refuse; and if he could refuse, why he, and he only, possessed the right; and, by the same rule, if he was bound to obey any one command of the two Houses of Parliament, he was bound to obey whatever was sent to him; this was a question of very great importance, and it would entirely elucidate a subject that was not yet clearly understood, and therefore he hoped the noble and learned Lord would favour him with his opinion, whether he was so bound or not.

Lord Stormont said, he saw the debate was drawing to a conclusion, and he would not put it at any great distance. He declared, he had felt the necessity of having some answer to the question put to Ministers by the noble Lord near him; relative to their intended proceedings under the authority of the third Resolution; but he was aware of the difficulty; he knew they must answer, "We cannot inform you what step we shall yet take, because our *gracious instructors*, the House of Commons, have not yet told us what we are next to do."

This, his Lordship said, was one of the various inconveniences resulting from the circumstance, of the House of Commons having taken the lead in the whole proceeding, and their Lordships having the humble duty of treading over the same ground after them. This circumstance had been said to have been purely accidental, and he hoped it was so. He declared, he did not regret the degree of power to which the House of Commons had, of late years, arrived, because he well knew that it was on that account, the best security for our liberties, the truest bulwark of the Constitution. He did regret, however, that their Lordships had lost so much of their authority, as not to have taken the lead in a proceeding, which, of all others, came most properly within their province, but of that he would say no more at present.

The noble Duke, he must observe, was rather incorrect in his recollection, since only one of the Resolutions had been debated on Friday, and it had been expressly agreed, when the second and third Resolutions were voted, at midnight, in the Committee, not to debate them at that late hour, but that, upon the report, it would be open to every noble Lord to discuss the whole of the Resolutions; if he had thought proper, therefore, he, or any other noble Lord, had an undoubted right to have considered the present as an adjourned debate, and to have gone into the argument at large—but as he had before said, he would not detain the House long.

His Lordship having premised this, proceeded to notice what the noble Lord near him had, he said, so well observed, namely, that the third Resolution, after they had voted it, could not be carried into effect by any powers possessed by the two Houses, but must depend on the will of another person. He put the case, that the two Houses should pass a bill for limiting the Regency, and when they had done so, should call upon the person holding the Great Seal, to annex it to a Commission, and give the royal assent to the bill, and that person should stand upon his right, and refuse to *forge* the Great Seal to such a Commission. In that case, would the two Houses force the holder of the Great Seal to obey? would they pass a Parliamentary censure upon him, or how would they proceed? His Lordship dwelt on the embarrassment that such a circumstance would occasion, and contended that it was by no means improbable to occur.

He next took notice of what had fallen from a noble and learned Lord, on Friday, on the subject of state-necessity; declaring, that he thought he had heard the noble and learned Lord express a doubt, whether state-necessity had not been the plea on which *ship-money* had been formerly levied. He referred to Lord Clarendon, as a person whose authority might safely be relied on, in regard to the whole of that transaction, his Lordship having been one of the Managers of the Impeachment sent up to that House, from the House of Commons, against the Judge who gave the infamous decision on that question.

His Lordship stated the particulars, mentioning that the King desired to know, "If he had any right?" When the answer was, "That his Majesty had a right when the State was in danger, of which he was the sole judge;" this was, he maintained, exactly similar with the present proceeding; the third Resolution, he confessed, pointed only at one bill, but it nevertheless involved in it all the considerations of executive government, and proceeded on the plea of State Necessity to desire to be entrusted with the royal authority to an uncertain extent, limited by nothing but the discretion of Ministers themselves.

He suggested the difference between Physical Necessity and State Necessity, and argued that the latter should always be governed by the former; in the present instance there was, he said, a sufficient degree of Physical Necessity for the two Houses to do something, but not to go the extent assumed in the third Resolution on the plea of State Necessity.

He adverted to what had fallen from the Duke of Richmond in a former debate, relative to his Majesty's situation, when upon his recovery he should find all his servants gone, and his political system changed, and after a few observations on the restrictions that were likely to be imposed on the Regent, declared, that was the last time he should trouble the House on the subject of the Resolutions; that he was perfectly content to leave the argument where it stood, having seen those who had affected to stand up for the Royal Authority, assassinate that authority, and stab the Sovereign power, with the King's own hand, in a manner that could reflect no honour on themselves. He was content, the rather, from a consciousness of having been left in a Minority, the largest in point of number, and the most respectable for the talents of many who had made a part of it, of any minority ever known in the History of Parliament.

He would only farther trouble their Lordships, by desiring them to call to mind the conduct of those, who, in the commencement of what was called the *long war*, had resisted the measures then taken, and given their advice against them. Much were it to be wished that such advice had been followed; because, as they all then knew, had that been the case, those proceedings that at last ended in the ruin of the Monarchy and the Constitution, might have been prevented; in like manner, if the advice that had been given from the side of the House on which he stood, had been taken, probably much future mischief might be saved.

The Duke of Norfolk rose again and said, the noble Duke near him had not given him a satisfactory answer. He had before, and did still, charge Ministers with having acted in a manner inconsistent with themselves; if in the proceedings they had already taken, they had not consulted his Royal Highness the Prince of Wales.

The noble Duke had only said, that in the proceedings that remained to be taken, his Majesty's Ministers meant to consult his Royal Highness. He arraigned Ministers for their conduct hitherto, and retrospectively, as well as for the conduct they intended to follow in the subsequent stages of the proceeding.

The Duke of Richmond rose again, and reminded their Lordships, that before the Resolutions should have received the sanction of the House, it was impossible to have consulted the Prince of Wales, as to the steps the House ought to pursue. Their right to take any one step whatever, had been questioned, and therefore

therefore it would have been idle, before the right was decided, for Ministers to have proceeded in any way whatsoever. The question of right once decided, they would undoubtedly proceed to the object itself.

His Grace said, he had not the smallest intention to charge either the noble Duke, or the noble Earl (Lord Suffolk) with any intention to poison the mind of his Royal Highness the Prince of Wales, against any particular set of men. His Royal Highness was a man of sense and judgment, and he would choose for himself, and would choose undoubtedly on public, not on private motives. He would only say, that if an intention were formed any where to poison the mind of the Prince against any set of men whatever, it was the most diabolical attempt that could be conceived, injurious to the interest of the Prince, injurious to the interest of the country, and scandalous to the last degree.

Lord King rose to take notice of Lord Stormont's expression, that Ministers had stabbed the royal authority with the King's own hand, which his Lordship denied. He observed that it had been said, that the present was not a Parliament regularly called together, an assertion which he reprobated. The present Parliament had been as regularly called together, as any that had ever sat. His Lordship added a few words more on the question of right, which we understood him to declare to have been, in his opinion, justly decided, the right clearly laying in the two Houses of Parliament.

The Question was put, and agreed to, and a conference desired to acquaint the Commons therewith.

The House then adjourned till this day.

MONDAY, DECEMBER 29.

HOUSE OF COMMONS.

THE Speaker having waited until a quarter past four o'clock found that there was then but *twenty-one* Members present, and the House was of course immediately adjourned until to-morrow.

THURSDAY,

THURSDAY, JANUARY 1, 1789.

HOUSE OF LORDS.

THEIR Lordships met about four o'clock, when prayers were read by the Bishop of Chester, after which, in consequence of the Speaker's being unable to attend the House of Commons, a motion was made to adjourn to Monday next.

The Duke of Norfolk wished to know if that Hon. Gentleman's indisposition should continue, whether another adjournment would be thought necessary, or whether Ministers would come forward with their proposed plan in the present exigency of affairs, and not suffer the public business to remain unnecessarily at a stand.

Lord Sydney was in hopes the Hon. Gentleman's indisposition, of which he had just been told, would not be of that continuance as to render any further delay necessary.

Lord Thurlow assured the noble Duke, that as far as related to himself, he could promise not the least unnecessary delay should take place; but, at the same time, it was impossible fully to answer the noble Duke's interrogatory, because other business might possibly become necessary; such, for instance, as the necessity of choosing a new Speaker; it was necessary their Lordships having agreed with their Resolutions should be made known, forms required it, and it must be done. He thought the sooner an end was put to the business the better; and, if it was intended to bring forward any farther debate, he was ready to meet it, because several points might be cleared up, which, by accident on a former occasion, seemed not to be understood. The earliest possible moment, he could promise the noble Duke, as far as he knew, was intended to be taken; for, although he had received accounts from another quarter, of a very favourable kind, yet they did not come up to his wishes, nor was he able to pronounce an early period, as likely to bring forward the ardently prayed for recovery. Thus, he thought, he had given the noble Duke the required information; at least, he had done it, as far as was in his power.

The Duke of Norfolk had no other motive for putting his question, than to hint it as his opinion, that all unnecessary delays ought to be avoided, and that that House, and the public, were entitled to a knowledge of the intentions of Administration.

The House then adjourned to Monday next,

FRIDAY,

FRIDAY, JANUARY 2.
HOUSE OF COMMONS.

YESTERDAY at four o'clock, Mr. *Hatfell*, Clerk of Parliament, rose in his place at the table; and, with an evident degree of emotion, addressed the House in the following words:

"I am extremely sorry to inform the House of the melancholy event which has taken place this morning, by the death of Mr. Cornwall, our late Speaker."

The Serjeant then entered with the mace, and placed it under the table.

Mr. *Rose* expressed his regret, that the circumstance which rumour had brought in the morning, to the ears of the Members in general, was now unfortunately confirmed, by the intelligence which they had just heard from the table. He thought it would be most adviseable, under the present circumstances, to adjourn all farther considerations of their proceedings until Monday next.

Mr. *Vyner* said, that he did not rise for the purpose of opposing the motion, but to desire that, as some gentlemen seemed to entertain a doubt of the power of the Clerk, to adjourn for more than one day, one or more precedents might be read to remove that scruple.

Mr. *Hatfell* then read a precedent from the Journals of 1783, when the Speaker had sent a letter on Monday to the Clerk, requesting him to inform the House, that on account of the death of a near relation (his nephew), it was not possible for him to attend; and praying, therefore, that if it was not incompatible with the public business they might adjourn for a short time. The House, on the occasion, was adjourned by the Clerk until the Wednesday following.

Mr. *Rose* said, he had not the least objection either to the fitness of the precedent, or the necessity of its being read, if any Member entertained a doubt on the occasion. He took the opportunity to suggest, at the same time, that it would undoubtedly be found necessary for the House, on Monday, to proceed to the election of a new Speaker.

Mr. *Hatfell* then put the question, and the House adjourned to Monday.

MONDAY,

MONDAY, JANUARY 5.

HOUSE OF LORDS.

AT five o'clock, upon a motion of Lord Camden's, a Master in Chancery was sent to the House of Commons to desire a conference; and, shortly after, Sir Francis Molyneux informed their Lordships, that the Members of the House of Commons attended in the Painted Chamber; a Committee was then appointed to attend the conference, and was composed of

The Lord President	Lord Chesterfield
Lord Privy Seal	Lord Morton
Duke of Richmond	Lord Osborne
Marquis Townshend	And Lord Sydney.
Lord Salisbury	

The conference was for the purpose of informing the Commons, that their Lordships had agreed to the Resolutions sent up by them without any alterations.

The Committee being returned, the House was adjourned to Monday next.

HOUSE OF COMMONS.

THIS day the House proceeded to the choice of a Speaker, on which a debate ensued; but, as it is irrelevant to the present subject, it is only necessary to observe, that the persons named for that office were Mr. Grenville and Sir Gilbert Elliot. Upon a division on the Question, in favour of the former, the numbers were:

For the motion	—	215
Against the motion	—	144
Majority		71

Mr. Grenville, of course, immediately took the Chair.

Mr. Pitt then gave notice, that to-morrow, on the House resolving itself into a Committee, further to consider of the State of the Nation, he should introduce the Bill for establishing a Regency, and should, at the same time, open to the House the nature

ture of the Restrictions which, it was proposed, to lay on the powers of the Regent!

A message was then received from the House of Lords, demanding a conference, and the Committee, which was nominated on the former occasion, having attended in the Painted Chamber, the Marquis of Worcester, as their Chairman, reported, "that the House of Lords had agreed to the Resolutions, as sent up from the Commons."

TUESDAY, JANUARY 6.

HOUSE OF COMMONS.

THE Restrictions and Limitations, thought necessary to be annexed to the Regency, having been expected to be stated this day, by the *Chancellor of the Exchequer*, in the Committee of the whole House, on the State of the Nation, the House was prodigiously crowded with Members; above five hundred being present at one period of the day. The Chancellor of the Exchequer came in about four o'clock, and waited a short time for Mr. Fox, who came about half an hour afterwards, when the order of the day was moved, and,

Mr. Loveden immediately rose, and requested the attention of the House for a few minutes.—

The *Speaker* begged first to state the Question that had been moved, which he accordingly did.

Mr. Loveden then rose again, and began with asserting his own independency as a Member of that House; he said, he had ever declared his sentiments, such as they were, with truth and sincerity, without a wish to court the countenance of party, or to solicit the favour of power; that what he said in that House, he would abide by, considering himself as a free agent, and determined to continue so, his maxim being

Nullus addictus jurare in verba Magistri.—

He was neither biassed by affection for one set of men, nor misled by prejudices against another; but acting upon what he considered to be a better principle, and a more becoming motive, than either self-interest or ambition, an honest zeal for the good of his country, and the promotion of the public welfare. Before the House proceeded to settle the terms and considerations of the Regency, he conceived they ought to know exactly where they were, and what

what the exigency of the case really was ; the providing for which, was to be the object of their deliberations. No Limitations of any kind could be suitably adapted, without having reference to the cause that created the necessity for any ; and, therefore, before they went a step further, in his humble judgment, they ought to know precisely what was the present state of his Majesty's health, what the degree of alteration that it had undergone, since his Majesty's Physicians were last examined, and whether the probability of his recovery was encreased, or less than it had been, in the opinion of his Majesty's Physicians at that time.

Reports had gone abroad of a very contradictory kind, and the authority of the different Physicians who attended his Majesty, had been made use of to give sanction to those reports. He had that day seen a letter from one of the Physicians in question, in which the writer fully contradicted the report, in the circulation of which his name had been made use of. Reports had also gone forth, that the opinions of his Majesty's Physicians were not faithfully communicated to the public ; now, although that House could not act upon rumour, he thought it highly necessary, that the foundation of the reports respecting his Majesty's indisposition, should be ascertained, and that the House, who were entitled to know the truth, should have the whole truth complete before them.

With that view it was that he had risen, and although he did not wish to press any unnecessary motion on the House, yet, as the Limitations would necessarily be governed by the proportion of the probability of his Majesty's speedy recovery, that important fact ought to be ascertained ; because, if his Majesty's present incapacity was but a mere temporary suspension of the exercise of the Royal Authority, Limitations to a particular extent only, might be proper ; but it would have a very different effect on mens minds, if the suspension was to last for any considerable length of time.

Mr. Loveden concluded with reading a motion, the purport of which was to state, that various reports having been circulated, and different opinions entertained of the state of his Majesty's health, it was necessary, that his Majesty's Physicians should again undergo an examination touching the same, for the information and satisfaction of that House.

There being a general cry on the opposition side of "*Move! Move!*"

Mr. Loveden was about to hand his motion to the Chair, when

The *Speaker* informed him, that there was a Question already before the House, viz. the Question, " that the order of the day

be read," which must be disposed of before any other Question could be entered into by the House.

Mr. Hussy called upon the Speaker from the side gallery, to know who had moved the Question of the order of the day?

The *Speaker* said, it was moved by a Right Hon. Gentleman on the bench to the right of the Chair.

The *Chancellor of the Exchequer* (who had moved it) rose, not, he said, merely to ascertain who had moved the order of the day, because it was perfectly immaterial, who it was that had moved that Question, since that it had been regularly put from the Chair, was what no man could deny; and, therefore, the proper way of making room for the motion of the Right Hon. Gentleman on the other side the House, would be to *negative* the motion then before them. The substantial Question for them to decide was, whether now they were assembled, agreeable to full notice, for the purpose of going into a Committee, in order to hear the Limitations and Restrictions which he should have the honour to submit to the impartial decision of the House, or whether they ought to interpose this additional delay, in order to stop short in their proceedings, and wait for further information.

As much as he should lament every delay that prevented them from putting Government into a situation in which it could act with energy and effect. [A cry of *hear, hear!*] He said, he wished Gentlemen to hear, and therefore he repeated, that anxious as he was to have the Government put into such a situation as should enable it to act with energy and effect, he should, nevertheless, think it better to proceed prudently and properly, though a little more time were lost, than rashly, and upon insufficient grounds, to risque an error in a matter of so much magnitude and importance.

Before the House, however, consented to interpose any farther delay, it was worth while to consider what information they had to proceed on already, and whether any farther information were necessary or not. The first leading fact contained in the Report of his Majesty's Physicians, was what that House had already resolved, viz. that his Majesty was incapable of meeting his Parliament, and attending to public business. The second Question was, that his Majesty was likely to recover. Was there any thing to make the prospect of his Majesty's recovery, less probable, or was there any reason to enable Gentlemen to state any given period within which it was likely not to take place? Could any Gentleman suggest, that there were grounds for either of these two different opinions; because, if neither of these points could be stated, he must, for one, think, that the House had already before them sufficient information to enable them to proceed, and that they ought to proceed without further delay. All his Majesty's Physicians agreed in the first important fact, which the

the House had voted, viz. That his Majesty was incapable of attending to public business, and they all said, that there was a probability of his recovery, though they could not fix any period of its taking place. But the House knew, that there were those among the Physicians, who were most conversant with the disorder with which his Majesty was afflicted, and who had stated what was the longest time at which persons afflicted with the disorder in question had been cured; and also, as far as any thing like an average could be drawn in such cases, what was the average length of time, before a cure could be effected; and thence had suggested, that, in their opinion, his Majesty's recovery was, most probably, not at any very distant period; therefore, he conceived the House had sufficient ground to go upon without further delay, and personally feeling extremely desirous, that Government should, as soon as possible, be restored to its necessary energy and effect, on account of the situation in which he had the misfortune to be placed, but feeling it still more, on account of the public; he owned he was anxious to interpose no farther delay, but immediately to go into the Committee, agreeable to the order of the day, that he might state what he had to submit to the impartial decision of the House. If, therefore, no Gentleman could suggest, that any new grounds had arisen, since the last examination of his Majesty's Physicians, to induce the House to change their opinion on the two important facts resulting from that examination; he should think it his duty to oppose the Motion of the Hon. Gentleman, and contend for the order of the day's being then read.

Mr. Fox said, though he did not mean to oppose the Question for reading the order of the day, he was exceedingly glad that the Hon. Gentleman behind him had made the motion that he had stated, because he thought the discussion it had occasioned, was extremely proper, and because it was undoubtedly necessary that they should have some precise knowledge of the state of his Majesty's health, previous to their deliberations as to what might, or what might not be fit for restrictions to impose on the Regent.

The Right Hon. Gentleman, over the way, seemed to go upon the Report of the Physicians, when they were examined by a Committee of that House, and had said, that they all agreed, that there was a probability of his Majesty's recovery, and that at no very distant period. It was not necessary to enter into any argument, as to the precision of what the Right Hon. Gentleman had stated; but certainly he had not precisely stated the facts, as resulting from the Report of the examination of his Majesty's Physicians. That they generally agreed, that it was probable his Majesty might recover, was undoubtedly true, but they did not agree as to the period when that recovery might be expected.

pected. Dr. Warren, in his mind, not only declared no such thing, but a perfect ignorance about it, and had expressly said, that he could not give any satisfaction on that head whatever. If, therefore, they were to go upon the order of the day, they were bound to shut their ears to all the reports out of doors; and as the Right Hon. Gentleman had desired them to confine themselves to the facts resulting from the Report on the table, they ought to do so strictly; only keeping in their minds what, of course, would not fail to have its due impression on every Gentleman, viz. that the information they were desired to proceed on was, information communicated four weeks ago, and that, therefore, they were to consider that four weeks had elapsed, without any alteration whatever in his Majesty's health.

Mr. Fox said, that the reason for so many contrary reports, in favour of his Majesty's recovery, were in circulation, he thought the matter proper to be laid before the House; not that he was much in the habit of paying attention to common reports; in general no man treated them with more contempt; but he had heard that, in another place, a person of no inconsiderable authority, his Majesty's first Minister, first in rank, and by no means last in consequence, (he said he meant the Lord Chancellor) had declared, that he had grounds to hope soon to hear of his Majesty's recovery.

This declaration he could not but consider as highly improper to be made, because, as on the one hand, if any man should unfortunately have reason to entertain the melancholy opinion, that there was no probability of his Majesty's recovery at all, he should deem it highly improper for such a one to declare his sentiments; so, on the other hand, if any man thought he had good reason to entertain an opinion that his Majesty's recovery was near; it appeared to him equally improper for him to declare it: because no man ought to declare his sentiments, either on one side of the question or the other, unless the grounds upon which those sentiments rested, could be made the objects of examination and enquiry, and be the facts substantiated by evidence. Mr. Fox enforced this doctrine by much argument, and talked of the possible case of certain persons spreading rumours and reports, merely with a view to delude the people by false hopes, and induce Gentlemen to vote under an ill-founded presumption of his Majesty's recovery; of which there might not, in truth, exist the smallest probability. Perhaps it would be wise, therefore, to shut their ears against all rumours and reports whatever, and to act merely from the Report of their Committee. In that Report they would see, that his Majesty's Physicians had all of them been asked, whether signs of convalescence appeared; which was beyond all question a material part of the examination. If no signs of convalescence had since appeared, and none, the
Physicians

Physicians had all agreed, had then appeared, a new enquiry certainly was not necessary. If signs of convalescence had since appeared in his Majesty, as it had been industriously rumoured they had, an enquiry was necessary; first, with respect to the fact of those signs; and, secondly, with respect to the opinions formed of those signs by his Majesty's Physicians. If, on the contrary, the House agreed with the Right Hon. Gentleman, that they were to abide by the Report of their Committee, and to wave farther enquiry, they would, he trusted, shut their ears to every idle report that was abroad, and go only by the papers on the table.

Mr. Edwards rose to speak of the situation of his Majesty, as described in the Report of the Committee. He said, that the Physicians had not desired to be understood, that his Majesty had afforded symptoms of a recovery having began to take place; but that there were previous signs of a recovery being likely to take place. This information was given the House four weeks ago, and therefore he was of opinion, that a fresh examination should be had, because, in four weeks, though there was no symptom of an actual recovery, but rather the semblance of a symptom, it ought to be ascertained to the House, whether the probability of his Majesty's recovery, had increased or diminished. Some Gentlemen, on the other side, having laughed, when Mr. Edwards used the expression, a *semblance of a symptom*, he declared he had no doubt but those Gentlemen wished, by their insults, to induce him to suppress his sentiments, but as he neither courted their favours, nor dreaded their frowns, he would continue to do his duty, and though he should set down then, he did so merely because he did not wish to take up more of the time of the House, but when the great Question of Limitations came, he would very fully speak his sentiments upon it.

Mr. Burke began, by taking notice of the Chancellor of the Exchequer's declaration, that he was anxious that the Government should be put in a situation to act with energy and effect. He gave the House joy of that declaration, it was the first time they had heard of it, and it was well worth their notice.

The House would recollect, that when the Report of their Committee was laid upon the table they were given to understand, that the King's illness was likely to last but a short time; and then, a full month afterwards, they heard that they were exactly in the same state of expectance that they had been in when their Report was made.

The Right Hon. Gentleman had declared, that they were to go upon that Report as the ground of their proceedings, having no more recent information to go upon. The Right Hon. Gentleman would not say the Report of the House of Lords had not been made, since the Report of that House; the examination

before the House of Lords was taken since, and taken on oath, which it must be allowed, gave the Report of the House of Lords more authority, than the Report upon their table could possess.

That Report the Lords had published for their information, and for the information of the world in general. That Report he held in his hand, and that Report said, that the probability of his Majesty's recovery was more doubtful than their Report stated it to be.

Nobody, the Right Hon. Gentleman had said, ought to state facts without substantiating them, and going into an enquiry. He had taken pains to ascertain facts, and he was ready, at a proper time, to prove them, to the conviction of the Right Hon. Gentleman and of that house. Because he had not been of the Committee he had but little authority, and having but little authority, he had endeavoured to make up for it by information, and therefore he had resorted to the Report of the House of Lords.

In consequence of his Majesty's unfortunate illness, what infinite calamities had happened to the country, calamities that might be followed by others, unless speedily prevented, which he dreaded to think of; the sooner, therefore, the Government was restored to its energy and effect, the better undoubtedly; but then it ought to be really a Government of energy and effect, and not a maimed, crippled, and impotent mockery of Government. In order to ascertain the fact, however, that his Majesty's illness was not likely to be of short duration, let them turn to the Report printed by the House of Lords. Mr. Burke here read several Questions and Answers from the examination of one of his Majesty's Physicians before the Committee of the House of Lords, the substance of which Questions and Answers was as follows:

"Are there any signs of convalescence?—None.

"Since you were called in to his Majesty, were there any signs?—There were none.

"Is there any probability of cure?—It diminishes in proportion as the time of the disorder's continuance lengthens."

Here, Mr. Burke said, was a regular ratio to guide the House, in forming their judgement; here were strong grounds to govern their opinions by, and if the argument was a true one, there was no fit ground to examine the Physicians again.

If the last answer he had read, was to be depended on, and let the House remember it was an answer delivered by a grave and learned Physician on oath, it bound their Speaker, it bound him [Mr. B.] and it bound every one of them. It was their duty to pay it due attention before they cut and carved the Government, as they would cut out morsels for hounds, rather than imolate it as a sacrifice to the gods, [Here being a cry of *Hear!*

Hear!]

Hear!] Mr. Burke repeated his expression, and said with the Poet, "It ought to be considered as a sacrifice fit for gods, and not as—a carrion carcase, cut for hounds." The Report in his hand expressly said, his Majesty's recovery was less probable, because his illness had continued longer. They all knew his Majesty's illness had now continued a full month longer, than when his Majesty's Physicians were examined before a Committee of that House. [The other side of the House expressed some disgust at Mr. Burke's mode of reasoning.] Mr. Burke said, he perceived, it was the wish of some Gentlemen to disturb him, and prevent his delivering his sentiments; they had often done so with too much success before, but he was determined they never should gain their ends again. He added a few more arguments before he sat down.

Mr. Bastard, in a short speech, declared, he thought it immaterial to the purpose, which they had all professed to have at heart, to have a further examination of his Majesty's physicians, before they proceeded to restore the government to its due tone. All he wished was, that proper steps might be taken for that purpose, without any further delay, nor could he conceive, that it was necessary, at that moment, to institute another enquiry, as to the present state of his Majesty's health. They had already resolved, his Majesty was incapable of any public business, and having done so, it was their duty to lose no time in providing for the exercise of the Sovereign Authority thereby interrupted. With that view he had already voted for one of the Resolutions, proposed by the Right Hon. Gentleman.

With regard to the Regency, and the conditions, he had made up his mind upon that subject, and was ready to state his opinion whenever it should be properly under their consideration. He would only say, that when a bill, which he conceived it would be necessary to pass on the occasion, should be introduced, he trusted proper care would be taken, to provide that the House might receive constant information of the state of his Majesty's health, and from time to time know of his situation.

There might, *Mr. Bastard* said, be different degrees of illness, with which it had pleased Providence to afflict his Majesty, but it was no consequence to him what the degree of his Majesty's illness was, unless it could be stated, that he was capable of attending to business. He declared, he entertained a very high respect for his Hon. Friend who had begun the debate, and having no doubt of the purity of his motive in coming forward with the motion, wished he could have concurred with him in opinion, but as he really thought it would rather tend to create unnecessary delay, he wished him to withdraw it.

Mr. Vansittart begged to know of the Right Hon. Gentleman, what was the name of the physician, whose answers he had read from

from the report of the House of Lords, and whether the other physicians agreed with him in the opinion that he had stated.

Mr. Burke said, it was the examination of *Dr. Warren*. [A general cry of *Hear!* from the other side of the House.] *Mr. Burke* immediately took fire, and with great warmth and vehemence said, were their schemes ripe, that they ventured thus early to betray their sentiments? Were they going to build a weak and miserable machine of government, on that foundation of fraud and falsehood and calumny? Were they going to rob the first physician in this country of his character? He called upon them to shew, how *Dr. Warren* was likely to have given a false, precipitate, and ill-grounded account of his Majesty on oath? By their clamour, they had furnished an unanswerable argument for a fresh enquiry. He knew *Dr. Warren*, he belonged to a society where the *Dr.* frequently came, and always found him an instructive companion, and had ever heard him considered as a man of learning, integrity, and honour; but if he should now find him a desperate quack, unskilled in his profession, and daring enough to deceive the House of Lords, and to deliver an ignorant and unfounded opinion of the situation of his Majesty on oath; he ought to be enabled to ascertain the fact, and it could be ascertained by another enquiry, where *Dr. Warren* might be uncased to the eyes of mankind, and exposed to the contempt and ignominy he deserved, if the imputation were true.

Mr. Burke contended, that a sudden cry was more eloquent than any composition of words, because the genuine sentiment of the soul, betrayed itself in an involuntary exclamation, while words were frequently used for the purpose of concealing men's feelings, and exhibiting a false colour for their conduct to the eyes of mankind.

Mr. Vansittart said, the Right Hon. Gentleman had certainly answered one part of his requisition, but he had taken no notice of the other, which was a desire to know, whether the rest of his Majesty's physicians concurred in the opinion of *Dr. Warren*, which the Right Hon. Gentleman had read to the House from the printed Report.

Sir James Johnstone declared, he was sorry that the Right Hon. Gentleman should prevent them from going upon the most glorious act, that the subjects of a free country could perform, namely, the exercise of their undoubted right to provide a government for themselves, when the natural government was, through accident, or the unfortunate incapacity of his Majesty, no longer able to act.

Sir James protested, that he spoke his genuine sentiments, independent of favour, or any motive whatever, but a sense of his duty. He had never been at *St. James's* since the year 1761,

nor at Carleton House in his life ; but he thought that a man might be a good Member of Parliament, and do his duty in that House, without either cringing at Court, or sacrificing to the rising Sun.

Besides, how absurd was the expectation of those who wished for a further enquiry. Was it ever known, that two physicians agreed in opinion in the world ! It was impossible to make them agree upon any case ; and therefore it was idle to expect it, for which reason he advised the House, who were the true Physicians of the State, to prescribe for it without farther delay.

Mr. Loveden confessed, that he had received some information from the discussion, but his mind was not satisfied ; he was, he said, always happy when he could coincide in opinion with his Hon. Friend, (*Mr. Bastard*;) but, on this occasion, his Hon. Friend had declared, that his mind was *made up* upon the subject, and therefore he wished for no farther enquiry. Upon a similar principle, viz. because his mind was *not* made up upon the subject, he wished for farther information, to enable him to decide as an honest man ought.

A variety of contradictory reports were in circulation, respecting the state of his Majesty's health, and he could only speak from rumour. In the House of Lords he had heard it declared, that his Majesty was so much better, that there were good grounds to hope for his speedy recovery. He had elsewhere heard directly the contrary ; his only wish was to come at the truth, and that the House should have the whole truth before them.

Lord North said, he rose to take up but little of their time, but as a sudden cry had burst forth, when the name of a physician had been mentioned, to whom he confessed himself greatly indebted ; and as that cry might be differently interpreted by those without doors, from its real meaning, he could not avoid rising to do justice to a character, that might be very materially and very seriously affected, unless some explanation were given, to prevent a false and injurious impression obtaining.

The cry to which he alluded, might, like other exclamations of a similar nature, have proceeded merely from the warmth and ardour of debate ; but as it could not be recalled, it might be understood, as if the other side of the House had reason to doubt the skill and integrity of *Dr. Warren*. Now, as he well knew, that *Dr. Warren* was a physician of great learning, great ability, great honour, and great integrity, for the sake of *Dr. Warren's* character, which could not but be materially hurt, if an idea should prevail, that any part of that House thought him capable of giving false evidence, or disguising the truth when under an examination on oath ; he called upon any one who had
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the smallest doubt of Dr. Warren's skill and integrity, to state what the grounds were, on which he entertained that doubt.

It was fair and candid for those who joined in the *cry*, to rise and justify it. If no one should rise, when thus called upon, he should take the *cry* to have been nothing more than a sudden burst of zeal for his Majesty's recovery, and that Dr. Warren's skill was acknowledged to be as undoubted, and his integrity as unimpeached, as if no such cry had been made. His Lordship repeated, that he knew Dr. Warren to be an able, a learned, and an honest man, and that every thing was due to evidence given by such authority.

The *Chancellor of the Exchequer* rose immediately, and there being some objection made by the Opposition side of the House, he said, that having before explained on what grounds it was that he objected to the motion, and as the greatest part of the debate that ensued, had consisted either of comments on what had fallen from him, or of matter directed personally to him, it would not be considered, he conceived, as any violent infringement of the Orders of the House, if he wished to speak a second time. He did not rise, he said, to speak of the character or skill of Dr. Warren; his general skill as a physician was generally known and acknowledged; but with respect to the particular disorder with which his Majesty was afflicted, his skill was comparatively little, considered or compared to that of those physicians who had made that disorder their peculiar object of attention; and in saying this, he begged the House to know that he spoke from undoubted authority, the authority of Dr. Warren himself, who, in his examination, told them, that he always thought it necessary to call in and consult others more experienced in that species of practice than himself.

He repeated, therefore, his objection to any unnecessary delay, but after the very extraordinary footing upon which what he had before said had been placed, it became, in his mind, unavoidable that some farther enquiry should be gone into. He had said, that the Report gave them ample grounds for proceeding, and then a Right Hon. Gentleman had got up, and told the House, they were to consider the probability of his Majesty's recovery, to stand exactly as it did four weeks ago; with this difference, that the probability of his Majesty's recovery was the more distant, because a month had elapsed since it had been declared; to that opinion he could not accede; but if the Right Hon. Gentleman thought it a concession, because he did not wish for any farther examination, he was welcome so to consider it. To the best of his belief, the very reverse of the Right Hon. Gentleman's inference was the fact; and when he made such a declaration, from the situation in which he stood, he could not be supposed to speak wholly without information, when he declared, what

he knew induced him to make this suggestion to the House. With regard to their future proceeding, he thought the grounds afforded by the Report of the examination of his Majesty's physicians ample; and that the two facts to which he had before alluded, were sufficient to justify all that he had to propose to the Committee; but when he found matters, under the pretence of supposing that no alteration had taken place in his Majesty's health, in the course of the month past, stated in such a way, as to extort from him what he had just said, and which he had cautiously avoided in his former speech, from a conviction, that the House could not proceed upon private opinions delivered, or encomiums passed by others on particular characters; but must have the grounds of those opinions, and the truth of those encomiums substantiated by an enquiry; he was of necessity compelled to agree to that enquiry.

He begged to be allowed to remark a little on the situation in which they were discussing the subject. The noble Lord over the way, had talked of the ardour and warmth common to debate; he was ready to admit, that to debates on political questions, where men were governed by their partiality (and he meant a laudable partiality to one set of men over another) from persuasion, that their political system was wiser; they might shew a degree of ardour, and occasionally betray warmth; but, in the present discussion, there could be no difference in opinion, because there could be but one wish; he could not, therefore, but very seriously lament the degree of warmth that had been used, where nothing like violence ought to have characterized their discussion. He could not but lament, in particular, that the Right Hon. Gentleman, over against him, had done himself so much injury, as to have betrayed a degree of warmth that seemed to have arisen from his entertaining wishes different from those of the rest of the House.

If the Right Hon. Gentleman had discovered, that the evidence of the House of Commons was not enough to proceed on, and that the report of the Lords was necessary to be recurred to, and if the Right Hon. Gentleman felt the impropriety of delay, was it fair, was it candid, that an argument should be stated on those grounds for further enquiry, and the report of the House of Lords should be quoted, without once stating to the House, that the report was a report delivered, and printed by the House of Lords nearly a month ago?

Having ironically remarked on the great emphasis, which Mr. Burke had laid on this circumstance, he said, contrary to his own opinion as to the necessity, and merely to prevent the House from doing what, he considered as totally irregular and improper, namely, the proceeding to act upon the private opinions of any man, when the grounds of those opinions could be substantiated; he felt himself reduced to the necessity of agreeing to a further enquiry;

enquiry; but the House, he conceived, would institute the enquiry by a motion, more generally expressed than that of the Right Hon. Gentleman; and that they would, from motives of delicacy, proceed, as before, by a Select Committee, who might, he hoped, finish their examination in half a day, or little more; and, as the House might content themselves, with having the report (which would, he supposed, be a short one), read without waiting for its being printed; he hoped they would not lose more than a day or two at farthest. Upon these grounds, he should be happy to withdraw the question of the order of the day, wishing, however, that they might not mistake the principles on which it was that he did so.

Mr. Burke, in reply, said, he always thought it necessary to stand upon his guard, when that Right Hon. Gentleman undertook his defence. The Right Honourable Gentleman, not being able to do any thing by reasoning, had fallen upon his motives, instead of his arguments, well knowing, that it was a safer mode of attack, because every man could judge of the justice of the one, though no one could possibly guess at the truth of the other; and, therefore, the Right Hon. Gentleman had judged him, from the motives within his own breast.

There was, however, so much of malice, in the Right Hon. Gentleman's compassion, and so much of censure in his lamentations, that, he hoped, the Right Hon. Gentleman would be so good as to spare his pity, and to leave him out of his lamentations for the future.

After a preface to this effect, *Mr. Burke*, in answer to *Mr. Vanittart's* question, whether the other Physicians concurred in opinion with *Dr. Warren*, read some extracts from *Sir G. Baker's* examination. He then took notice of *Mr. Pitt's* sarcasm, about the tone and emphasis with which he had mentioned the circumstance of the Lords Report being a month old; and contended, that if the Right Hon. Gentleman prescribed the mode of examination of the Physicians, the House never would come at the truth; because, if learned men were to be examined by ignorant men, the ignorance of the latter rendered the learning of the former of no avail; it being impossible for those, who were not skilled in a difficult profession, to put such questions to skilful men, as should extract the necessary information, which could only be got at, by suffering the learned to discourse at large, and as they thought proper of themselves, and then to extract and collect from the whole of their discourse, what was matter of necessary information.

If there was a difference of opinion among his Majesty's Physicians, why was not *Dr. Monro* called in? The keeper of one madhouse ought to be set against the keeper of another, and by the opposition, they would come at the truth. He knew that

Dr. Monro was to be, that day, consulted by the first Physicians in existence.

The Right Hon. Gentleman had called for good grounds to be shewn, why opinions were entertained, that his Majesty's recovery was more improbable than it had been four weeks ago; he, in like manner, called upon the Right Hon. Gentleman, to shew what grounds there were for the opinion he entertained of there existing a greater probability of his Majesty's recovery now, than there existed then.

The Right Hon. Gentleman had forced him to say something, from his having thrown out a most malignant and unmerited imputation. To charge him with not wishing his Majesty to recover, was as foul an aspersion as could have come from the lowest man in that House; and he, Mr. Burke said, should be the last free-man in it, if he suffered himself at any time, to be *brow-beaten* by that Right Hon. Gentleman. The Right Hon. Gentleman was fond of throwing about his treasons and his ill-wishes: he never would tamely submit to either.

With regard to any warmth that he had betrayed, he had not let a word escape him, that he should be ashamed to have recorded. His voice was weak, and, therefore, he was forced to raise and exert it, but it did not follow that he was in a passion; he might say with one of the Ancients, who had been charged with being in a passion, "let my pulse be felt, and see if it does not beat temperately?" When he spoke of a fact, without being ready to adduce any authority for it, then let him be arraigned by the Right Hon. Gentleman, and bad motives be ascribed to him. He hoped to meet with judges more favourable than to judge him from imputed wishes, when he had argued from authentic information. When he fled from enquiry, then let the Right Hon. Gentleman aim his envenomed shafts at him. He was ready to go into a full and free enquiry at the bar, there he could do justice to himself, but not in a Committee. Let Dr. Warren be placed against another eminent Physician, and a keeper of a mad-house, with thirty patients, against the keeper of a mad-house with three hundred, and, by that means, the House would obtain real information.

Mr. Rolle rose to observe, that all the blame, imputable to the introduction of the name of one of his Majesty's Physicians that day, was imputable to the other side of the House, and not to those on the side on which he was, for that Dr. Warren's name had been first mentioned by the Right Hon. Gentleman himself.

Mr. Pulteney declared himself sorry, that so much warmth had been shewn in the debate; he owned, he was desirous of calling back the House to a proper degree of temper, and was against withdrawing the Question for the order of the day.

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He considered both sides of the House had been drawn from their object merely by warmth, and that they had thence forgot how much the country had already suffered, and was daily suffering by delay. If any man were to say, that it was impossible for his Majesty to recover, that would be a ground for farther enquiry; or, if any man were to say, that his Majesty was capable of doing public business, that also would be a ground for enquiry; but neither of those things were said. Between the two there might be many shades of difference, but the House had no occasion to meddle with any one of them, and, therefore, he was against the suffering the motion to be withdrawn.

Mr. Fox said, he did not wonder that the Hon. Gentleman who spoke last, should have objected against withdrawing the Question of the order of the day. That Hon. Gentleman had not been, he believed, a considerable time in this country, and, therefore, he must be a stranger to the various rumours and reports that had been circulated. Had he known as much of those reports as he did, the Hon. Gentleman would, he had no doubt, have thought the proposed enquiry absolutely necessary.

With regard to the two propositions that the Hon. Gentleman referred to, they were pretty nearly the words he had himself used on the first day that the subject had been mentioned in that House. He had then said, that all his Majesty's Physicians had declared themselves clearly and decisively of opinion, that his Majesty was incapable of meeting his Parliament, and of doing public business; but that his recovery was probable, though no one of them could say, when his recovery was likely to take place. Agreeing, therefore, that his Majesty might recover, and if the probability be, that he would recover soon, that they must submit, for a short time, to a weak Government, or else do an injury to his Majesty, when the time should arrive for him to resume his prerogatives.

If that be the argument, still he should contend, that it was necessary for them to proceed to learn when his Majesty's recovery was likely to take place; for his part, he had not the least doubt of the hopelessness of the case. Before he sat down, *Mr. Fox* said, he should take notice of what had fallen from the Right Hon. Gentleman over the way, and enter his Protest against what must, if continued, inevitably end in putting a stop to all freedom of debate in that House. The Right Hon. Gentleman had talked of warmth, and said, it was allowable, when the political interests of parties were at stake, but not then; that, therefore, his Right Hon. Friend had spoke from his wishes. If such attempts to impute unbecoming motives to Members, for their arguments, were made, unaccompanied with any one reason, in answer to those arguments, it was enough to fire any man with indignation; he made no scruple to confess, that he felt equal warmth
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with his Right Hon. Friend, as much warmth as he had ever felt on any political Question—not from a wish that his Majesty might not recover, he sincerely wished that he might; but from what was more strong in his mind, even than the satisfaction that must result from his knowing that his Majesty was restored to his health, from his desire that the people should be acquainted with the truth.

In such a cause, he was not ashamed to confess himself warm, and to avow his desire, and his determination, to resist an attempt to deceive an affectionate people, and to prevent that House from being deluded, under false pretences, into a mode of Government that would sacrifice the constitution. In such a cause, he felt a warmth superior even to his attachment to Majesty, superior to the love and loyalty a subject owed his Sovereign, an attachment founded in the love of a man of honour to truth, and in his detestation of falsehood.

With regard to the manner in which the cry had been given from the other side, when Dr. Warren's name had been mentioned, it was impossible for the friends of that Gentleman, and for every man feeling like a Gentleman, not to feel contempt.

A Physician's eminence, above all other professions whatever, stood upon the most secure and certain footing; no man employed a Physician from favour; no man employed a Physician, because he was of his party, nor because he had given him his interest at an election; but they trusted their health in his hands, because he was known to possess superior skill, and, on that account alone.

He would believe, that the Great Personage alluded to by him, the Lord Chancellor, had an ill opinion of Dr. Warren, when he should hear, that the learned Lord trusted his health, when he should next have the misfortune to be ill, in any other hands. These were not encomiums, but facts. It was the confidence with which people, of the most exalted ranks, trusted their health in Dr. Warren's hands, that made him so unusually eminent as a Physician. The cry, therefore, if it meant any thing, must have been meant to convey an insinuation against Dr. Warren's integrity; but as the opinion of Dr. Warren's skill never could rise, so no more could the opinion of his integrity rise, though his integrity, undoubtedly, equalled his skill.

The Right Hon. Gentleman had been pleased to say, that he thought that the probability of his Majesty's recovery, was greater than before, and he had said, that he had been provoked to declare that to be his private opinion. I will not be provoked, said Mr. Fox, to declare any private opinion of mine to the contrary, nor will I assent to that of the Right Hon. Gentleman; but, if the House was to proceed on shades of difference of opinion, as
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to the probability of his Majesty's recovery, which, he thought extremely absurd, he should still contend, that the enquiry should be as free and open as possible. Mr. Fox concluded with calling on Mr. Pulteney to withdraw his motion.

Mr. Pulteney said, he meant to divide the House, declaring, that it was not likely that all his Majesty's Physicians should decide alike; and, therefore, as he considered the proposed enquiry to be nothing more than a design to delay, he would take the sense of the House on the Question of the order of the day.

Mr. Sheridan rose to remind the Right Hon. Gentleman, that he was bound, by his own words, to submit to the proposed enquiry, since he had declared, that if any Member asserted, that there was a greater probability of the recovery of his Majesty sooner than there had been, when the Physicians were last examined, the House ought to proceed to another examination; now, the Right Hon. Gentleman stood exactly in that situation himself, having declared, that he had, from what he knew, reason to believe that his Majesty's speedy recovery was more probable than it had been, and he had also declared, that his opinion had been extorted from him.

Mr. Sheridan added a few words to prove, how material it was, that the Physicians characters should be sacred; employed as they were about his Majesty, and not in any ordinary case, the public had an interest in their characters, and on that depended all the proceedings that they were about to deliberate upon in that House.

The Chancellor of the Exchequer observed, that after what had passed, he should be in the singular predicament of feeling himself obliged to vote against his own motion, and he owned he should do it, with the greater reluctance, as he should have the misfortune to differ from the Hon. Gentleman under the gallery, who, he had hoped would have waved his objection to the withdrawing the Question of the order of the day.

He objected to *Mr. Sheridan's* representation of what he had said, as being quite incorrect; he had not, in his former argument, declared, that if any Member could assert, that he had reason to believe his Majesty's speedy recovery more probable than it was, that the House ought to proceed to another enquiry; but he believed, he had said, that if any Member could assert, or suggest, that he had good reason to think that his Majesty would not recover, or that he would recover in any given time, in either case he should think a new enquiry necessary.

The Chancellor of the Exchequer said, he could not help remarking the extraordinary way in which the Right Hon. Gentleman had chosen to say *nothing*, as to his private opinion of the probability of his Majesty's speedy recovery, or otherwise, when, at the same time, he had argued, that they were to consider the probability

probability of his Majesty's recovery, just exactly as it stood when the Report had been made four weeks ago, adding to it, the recollection, that it was now four weeks since the Report was made.

This was the newest way of *saying nothing*, that he had ever experienced. He declared he would not retract any thing he had ever said in that House; but if the examination were ordered, he conceived it must not be at the bar, but by a Select Committee, on account of delicacy and every other consideration. He added, that he was in hopes the Committee, before they left the House that evening, would be able to issue their summonses, and proceed to the examination next day, so that as little time as possible might be lost.

Mr. Fox said, the Right Hon. Gentleman seemed to accuse him of dissimulation. He had said nothing, but that the ground of the probability of his Majesty's recovery must be drawn from the papers before the House, unless a new enquiry was gone into. He had given no opinion of his own as to the present state of his Majesty's health, nor should the Right Hon. Gentleman extort one from him.

Sir Peter Burrell said, he spoke but seldom in that House, but that he always delivered his genuine sentiments. His opinion was, that an examination of the Physicians again was absolutely necessary; but that it ought to be an examination at the bar of that House, and not before a Select Committee. By that means, the reports that were abroad would be effectually and entirely done away; which would not be the case with an examination in a corner, with which he was persuaded the public would not be satisfied.

Sir Peter was of opinion, that no Member of that House would put an indecent or an indelicate question to the Physicians; and, if it was by accident proposed, the House could easily guard against, and prevent it.

Mr. Pulteney still insisting, that the Question should be put on the order of the day, the debate was protracted, but without producing any thing new. Mr. Rolle, Mr. Turner, Mr. Vyner, and others, took a share in the conversation.

Sir Peter Burrell insisted, with much force, that nothing could possibly be gained from a new enquiry, but what would result from its notoriety. The way, he contended, to suppress all dangerous, because indistinct rumours, would be to examine the Physicians at the bar of the House, and not as before, in a Committee.

A division was called for on Mr. Pulteney's Motion, that the order of the day should remain; and at seven o'clock the strangers were ordered to withdraw.

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After the House had been cleared, Mr. Pulteney's Motion was negatived without a division.

The *Chancellor of the Exchequer* then moved, "That the Physicians be again examined, respecting the state of his Majesty's health, before a Select Committee of the House to-morrow."

Mr. Sheridan, in a speech of some length, professed himself by no means inimical to the tendency of the Motion; but lamented much that mystery which had been observed respecting the Sovereign's health; when it was such as called for an unequivocal account of his Majesty's REAL situation. The people were extremely anxious on the business; and therefore, to do away every idea of mystery, he would move an amendment to the Motion, "That the Physicians be examined at the bar of the House."

Mr. Wyndham seconded the amendment.

The House then divided, when there appeared,

Against the amendment	—	221
For it	—	141

Majority	—	80
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The question was then put on the Motion of the Chancellor of the Exchequer, which was carried without a division.

Several Motions, of course, were carried, and the Committee ordered to sit to-morrow.

A Motion was then made by Mr. Pitt, "That the House do meet on Thursday next, to take into consideration the State of the Nation,"—which was also carried; and then the House adjourned.

WEDNESDAY, JANUARY 7.

HOUSE OF COMMONS.

ABOUT four o'clock the Speaker took the chair; but there not being more than twenty Members present, the House was adjourned to ten o'clock to-morrow.

THURSDAY, JANUARY 8.

HOUSE OF COMMONS.

THIS day the House met.

The Report from the Select Committee, appointed for a further examination of the Physicians on the state of his Majesty's health,

health, not being brought up—it was moved, and carried, that the order of the day, for taking into consideration the State of the Nation, should stand over to Monday next; after which the House adjourned.

SATURDAY, JANUARY 10.

HOUSE OF COMMONS.

THE Speaker having taken the chair at four o'clock, and the order of the day being read,

Mr. Dundas rose to express his concern, in being again obliged to repeat, that the Report of the Committee, sitting on the examination of his Majesty's Physicians, was not yet ready to be laid before the House. As the Committee lost no time in their endeavours to prepare the Report, he trusted no future disappointment would occur, if the order for receiving it lay over till Monday. On that day he had no doubt but it would be brought forward: and if, for their better information, the Members wished to have it printed, that could also be effected by the Wednesday following.

He would therefore move, "That the order of the day be discharged.

"That the House meet on Monday to receive the Report of the Committee now sitting on the examination of the Physicians, touching the state of his Majesty's health.

And, "That the House do meet on Wednesday next, for the purpose of going into a Committee on the State of the Nation."

These Motions being agreed to, the House instantly adjourned.

MONDAY, JANUARY 12.

HOUSE OF LORDS.

AS soon as prayers were over, and the Lord Chancellor had taken the woolſack,

Lord Suffolk rose, and said, he intended, as that day, to have made a Motion for the Physicians, who had attended his Majesty in his present illness, to be examined at the bar of that House, and

and all strangers to be excluded during such examination; but having consulted with some noble Lords, he was advised not to make such a Motion in so thin a House. His Lordship, therefore, begged to have as early day as possible. Wednesday was named, which was approved of on all sides of the House. His Lordship gave notice that he should, on Wednesday next, make the above Motion.

The House then adjourned till Wednesday.

HOUSE OF COMMONS.

REPORT OF THE COMMITTEE.

THE House waited till five o'clock, in expectation of the Committee, appointed to examine his Majesty's Physicians, being able to complete their Report, and present it that day, but it appearing that the hope was fruitless,

Mr. Vyner rose and said, it was with reluctance that he stood up to make the Motion, that he found himself under the necessity of offering to the House; but although the Committee above stairs had applied themselves most assiduously to the object of their appointment, and had exerted every endeavour to expedite the completion of their Report, they had found so much new work upon their hands, and that of too great importance to be passed over, that it had, as yet, been out of their power to finish their business; and therefore they found themselves obliged, either to be guilty of the very gross irregularity of making a Report in part only, or of desiring the House to wait another day; by which time they thought they should be able to conclude their examination, and make their Report whole and entire; what he had therefore to propose to the House was, that they should adjourn to the next day.

The Question of adjournment having been put from the chair, the same was agreed to.

At that moment the Chancellor of the Exchequer entered the House, and desired to be heard a few words before the House separated; a cry of *places! places!* being called, some Gentlemen said, *there is no Speaker in the chair*, (*Mr. Grenville* having left it as soon as the Question of Adjournment was carried) the Chancellor of the Exchequer then said, as his object was to save Gentlemen trouble, he hoped they would excuse a little disorder; that he had not been able to get down sooner, having but that moment left the chair of the Committee.

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As the Report, from the circumstances that had occurred during the examination, would be considerably longer than had been at first expected, the Chancellor of the Exchequer informed all the Members present, that had the House been sitting, it was his intention to have moved to discharge the order, for the House to resolve itself into a Committee of the whole House, on the State of the Nation, on Wednesday, and to have moved it for Thursday, which was as early as the Report could reasonably be expected to be printed, and Gentlemen to have read it.

No person, he said, could be more anxious and impatient than he was, on every account, to go into the Committee on the State of the Nation, and proceed to take the other necessary steps for restoring the Government to its due share of energy and vigour; but as the delay of a day was, under the circumstances he had mentioned, absolutely unavoidable; he hoped, what he had then said, however irregularly introduced, would be considered as a notice, that he should, the next day, move to discharge the order of the day for Wednesday, and move it for Thursday.

The House adjourned till to-morrow.

TUESDAY, JANUARY 13.

HOUSE OF COMMONS.

THIS day the Report of the Committee, appointed to examine his Majesty's Physicians, being expected to be made, the House waited patiently till past five, when the Committee above stairs rose, and Mr. Pitt, Mr. Burke, Mr. Sheridan, Mr. Vyner, with other Members of the Committee, came down, and privately informed the Speaker, and most of the Members present, that they had closed their examination, and that the Report waited only for the last sheets of it to be fairly copied. At half after five the *Chancellor of the Exchequer* brought the Report down, and, after the usual form, was ordered to bring it up to the table. He then moved, "That this Report be now read."

Mr. Burke rose immediately, and objected to the reading of the Report. *Mr. Burke* declared, he would confine what he had to say to a few words, and a few words only; he said, it always gave him pain to differ in opinion from Gentlemen, with whom he was associated, for the purpose of discharging a public duty, and that, on the present occasion, it gave him as much pain so to differ, as it ever had done on any one occasion that had occurred in the whole course of his life; but there was a point

point of duty, and in that duty a point of importance, superior to every personal consideration; it was, therefore, in compliance with that important duty, that he then felt it incumbent on him to rise, to object to the Report's being read, to move for its recommitment, to complain of the conduct of the Committee, and to accuse them with not having faithfully discharged their duty.

The first matter he had to state was, that instead of construing the order of the House, which appointed them, in its largest sense, and extending their enquiry to that degree which alone could be likely to furnish ample evidence, they had narrowed it within the literal construction of the order, and confined themselves to the bare examination of his Majesty's Physicians, without calling before them any of the Surgeons, Apothecaries, and others, who had attended on his Majesty, and by that exclusion had debarred themselves of the opportunity of learning, from the most likely channels of authentic information, the actual state of his Majesty's health, and the progress of that alteration and approach of convalescence, from whence they were to collect their hopes of his recovery.

From this circumstance of their having narrowed their ground, and included themselves within the letter of the law, they had deprived themselves of the possibility of reporting the *whole* truth, and thus, by a partial and imperfect Report, had given what it contained of truth, in such a maimed and mutilated state, that it could not be relied on.

Mr. Burke (on being whispered by Mr. Wyndham) said, he was aware that the Committee had acted under the order of the House, but still, he thought it right to state what he had said, in support of his charge against the Committee; at the same time, he did not rest his complaint to the House chiefly on the circumstance of the Committee having narrowed their ground of enquiry, and confined it too literally to the order, upon the authority of which they had proceeded. There were other grounds of complaint, consisting of the omission of certain material circumstances, tending, in his opinion, to give the Committee a just estimate of the state of his Majesty's health, and of the probability of his cure. Mr. Burke explained these to consist of two points, the chief of which was, that of two of his Majesty's Physicians having been set against each other, and examined as equal in point of skill.

He did not, he said, so much complain of Dr. Warren and Dr. Willis having been put upon an equality, and so considered, (because it was impossible for him to know, whether, in point of fact, they were so or not) but where there was a manifest difference of opinion between two professional persons, in respect to the nature of the King's case; the only way for unlearned

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men to enable themselves to decide, which authority ought to preponderate and govern their opinion, was by calling other Physicians before them, and by examining them, collecting, to which of the two so set against each other, the greatest degree of credit ought to be given.

Mr. Burke said farther, that it appeared plainly to him, in consequence of what had come out in the course of the examination, that *his Majesty's life was not safe*, nor had it been safe since he had been put into such hands. He did not mean, by this declaration, that there was any where a treasonable design to take away his Majesty's life. God forbid there should be any such design! He imputed a murderous design to no man, but he repeated it, that it appeared to him, and he believed he might say to others of the Committee, that *his Majesty's life was not safe*, and that owing to no bad design in any person, but to the rashness of those to whom the care of his Royal Person was intrusted. That trust, if he might so phrase it, was of too much sacred importance to be suffered to be executed rashly, carelessly, and improperly. In it was involved the life of the Sovereign and the interests of the people!

Mr. Burke said, he should, on the grounds that he had stated, move to recommit the Report, because it was, in his opinion, highly essential, that having contrasted two Physicians together, the other Physicians ought to be fully examined upon the points in dispute between those two Physicians so contrasted; and if the Committee did not possess sufficient powers to have pursued such examination, they ought immediately to have come to the House and asked for further powers.

He was aware, that his Motion would be attributed to delay; but although the Report upon the table certainly would be found to be of value, it would still be more valuable, if it were rendered more extensive, and it would, at the same time, be more faithful, more fair, and more full, as well with regard to its object, as to the Physicians themselves.

The *Chancellor of the Exchequer* declared, he would not take up the time of the House, but should only say a very few words. The Right Hon. Gentleman had begun with charging the Committee with having narrowed their Enquiry; which, when the time that the Committee had sat, and the bulk of the Report on the table, (nearly 400 folio pages) were considered, he did not believe would be the sense of the House.

But the Hon. Gentleman had said, that they had narrowed their enquiry, because, having been ordered by the House to examine his Majesty's Physicians, the Committee had not proceeded to examine his Majesty's Surgeons and Apothecaries; for examining whom, the sense of the House had been expressly
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taken before the Committee sat, and the sense of the House had been, that they should not be examined.

Whether the Committee had not examined his Majesty's Physicians for the last week fully, would be seen from the Report. But as from the manner in which the Hon. Gentleman had stated, what he had called the setting two of his Majesty's Physicians one against the other; an impression might possibly be made upon the minds of the House, that the Committee had examined *only two* of his Majesty's Physicians; it became necessary for him not to let the House separate, without informing them, that when the report was read, Gentlemen would find that the Committee had examined every one of his Majesty's Physicians, and that over and over again. They had put to all of them every question that appeared to them immediately to lead to the main point and object, and he was ashamed to say a great many collateral questions besides, that had a very remote relation to the state of his Majesty's health. But there had, in the course of their enquiry, come out the preceding day, a point which was not the point of the King's recovery, not the point of Dr. Willis's or Dr. Warren's opinion upon the probability of that most desirable event, but a point that went to the skill of his Majesty's Physicians; a matter which the Committee was neither authorized nor competent to enquire into. The Hon. Gentleman had himself, at the last moment, when the Committee were about to close their examination, and to dismiss the Physicians, thought proper to introduce collaterally a point, that conveyed a charge against Dr. Willis's conduct, and the single circumstance on which the Hon. Gentleman had then rested the strong language he had just used, of *his Majesty's life not being safe*, was its having come out, that Dr. Willis *had trusted a razor in his Majesty's hand*; a fact, which Dr. Willis most readily admitted, and without the smallest reserve had stated his reasons for having done.

The Chancellor of the Exchequer shewed clearly, that the sort of enquiry, for not having suffered which, Mr. Burke had charged the Committee with not having done their duty; was an Enquiry into the skill and prudence of Dr. Willis, which the Committee had no right to enquire into; and that the circumstance on which he had grounded the strong language, he had used, was chiefly a question of reason and propriety, and not directly in point to the object before them; the Committee, therefore, after being satisfied as to the immediate end of their enquiry, had thought it their duty, instead of frustrating the expectations of that House, and the public, by what they considered as unnecessary delay, to close their examination, and make their Report.

The Hon. Gentleman, he conceived could not be serious in objecting to the Report being read, because it would be impossible for him to introduce the Motion of recommitment, or any other respecting it, unless the Report were first read *pro forma*. Before he sat down, the Chancellor of the Exchequer said, he would just state, that it had been his intention to have moved, that the order of going into the Committee on the State of the Nation stand for Thursday; but from the extreme length of the Report, he had learned that it would be impossible to have it printed ready for delivery before Thursday morning; and as it was voluminous, Gentlemen could not read it through in time to proceed upon it in the same day, he found himself under the necessity, therefore, of moving, that the Committee on the State of the Nation stand for Friday.

Mr. Wyndham said, he rose in support of his Hon. Friend's objection, but that he would not detain the House more than a very few minutes. The first observation he had to make on what had fallen from the Right Hon. Chancellor of the Exchequer was, that whether the Report was *long*, or not, was a mere relative consideration. The length or shortness of a Report, undoubtedly, depended on the importance and extent of the object, to which that Report was confined, and it mattered not, whether the Committee had sat one day or ten, or what was the number of sheets contained in the Report.

Mr. Wyndham said, they had been ordered to enquire, touching the state of his Majesty's health, and the probability of his recovery, and they were to form their own judgment upon it, and report that judgment to the House. They could have no judgment till they had enquired and obtained information, and that information they were to receive through his Majesty's Physicians. In order to obtain it, they must necessarily ask them questions of all sorts, and not merely as to their knowledge of the present state of his Majesty's health, and their opinion as to his recovery, because that kind of examination would be short indeed, could take up but a very little time, and might be completed by making the number of Questions the same as that of the Physicians.

Mr. Wyndham argued the necessity of sifting the grounds of the opinions of the Physicians, as well as of ascertaining the facts on which those opinions rested. He put the case, that if he knew that a man was in a bad state; what better ground was there, than of learning, whether the opinion of his Physicians had been wrong? Suppose a Physician of superior authority, and who stood alone, was called in, and said, it was true, that a patient was in a bad state, but that the course pursued with him had been wrong, and that another course would be more advantageous; should he not, said Mr. Wyndham, take the opinion
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of other Physicians on the subject, and know from them, whether another course would be more advantageous or not? Upon those grounds, therefore, he thought the Committee had neither done justice to the Physicians, nor discharged their duty. The first he acknowledged was a subordinate consideration, but still it was sufficiently important, in his opinion, to warrant his Hon. Friend's objection, and therefore he should support it.

Mr. Burke rose again, not he said, to enter into a justification of his former argument, but to explain such parts of it as the Right Hon. Gentleman had misrepresented. In the first place, he had not complained of the Committee's having narrowed their enquiry, on the ground of their not having sat long enough, or made a Report sufficiently voluminous; but, on account of their too religious obedience to, or rather too liberal and too strict an observance of the order, by the authority of which they had proceeded. Nor had his objection gone to the examining of two witnesses only, but that a difference of opinion having been stated by those two, he had contended, that the other Physicians ought to have been examined as to the grounds of that difference of opinion, whence the Committee might have fortified their own minds, and enabled themselves to decide which opinion was right.

The Right Hon. Gentleman had intimated that much of the discussion that had kept the Committee sitting so long, had been owing to those who had differed in opinion; if the House would have a little patience, he believed, it would be found to be otherwise. With regard to his having introduced a point at the end of the enquiry, which had led to collateral circumstances, not immediately relative or material, he appealed to the Right Hon. Gentleman, whether he had not, in the early part of the Examination, given way to Members of the Committee of greater weight and authority than himself; but when he had done so, he had expressly given notice, that before the enquiry closed, he should put questions of the nature complained of. If then he had been wrong at the end of the enquiry, he had been wrong at the beginning, and ought to have been stopped then. *Mr. Burke* added other explanations, and said, he would not oppose the reading of the Report, but after it was read, he would move its re-commitment.

Sir John Scott desired to call the attention of the House, by one word only, to that part of the Right Hon. Gentleman's speech, in which he had desired the House to have a little patience, and they would be able to decide for themselves. *Sir John* said, he wished the House to attend to that; at present it would ill become him to argue upon the result of an enquiry, or to reason on the contents of a Report, with which the House were unacquainted; but when the proper moment should arrive, he

pledged himself to deliver his opinion upon the subject, and to state why he differed from the Right Hon. Gentleman, and thought the Report contained all the material information, that the Committee, consistently with their duty, and a proper regard to the order of the House, could obtain, and that the Committee had no power to go more at large to those objects to which the Right Hon. Gentleman referred.

The Question for reading the Report was put and carried; and as soon as the Report had been read, *pro forma*.

Mr. Burke moved, that the said Report be re-committed; a Motion, which Mr. Burke prefaced by a few words, which were not distinctly heard.

The Motion for re-commitment was negatived.

The *Chancellor of the Exchequer* then moved, "That a sufficient number of Copies be printed for the use of the Members of that House," and "That the order for the House, to resolve itself into a Committee on the State of the Nation the next day, be discharged." This being agreed to, he afterwards moved, "That the House resolve itself into the said Committee on Friday, and that the House adjourn to Friday." Both Motions having been agreed to,

The House rose at half after six o'clock.

WEDNESDAY, JANUARY 14.

HOUSE OF LORDS.

AS soon as prayers were over, the *Earl of Suffolk* rose, and informed the House, that several of his noble friends having intimated to him, that they did not concur with him in the propriety of the Motion, which he had given notice it was his intention to bring forward that day, in deference to their better judgments he had determined to abstain from proposing it.

Upon the Question put, the House immediately adjourned to Tuesday next.

FRIDAY, JANUARY 16.

HOUSE OF COMMONS.

THIS day there was as full an assemblage of Members, as had been seen since the meeting, and the gallery was filled to an overflow

overflow before twelve o'clock, owing to the general eagerness to hear the Restrictions proposed to be laid upon the Regent.

After the settlement of some previous business, relative to the Colchester Election, the order of the day was read, and the House resolved itself into a Committee upon the State of the Nation.

The *Chancellor of the Exchequer* having moved the order of the day, with the order for referring the several Reports that had been brought up and read to the Committee; the Speaker left the chair, and Brooke Watson, Esq. took his seat at the table.

The *Chancellor of the Exchequer* then rose again, and after lamenting the peculiar circumstances of the country, which called upon them to exercise a Right, that had devolved on them, in consequence of the melancholy situation of his Majesty, which rendered him incapable of exercising the Royal Authority; said, it was their duty to provide the means of supplying the deficiency; but, in doing so, he trusted it must be the wish of every Gentleman, that they should proceed in the manner the best calculated to give general satisfaction, and the most likely to secure the approbation of the people; which, he had the happiness to know, had generally attended every step they had hitherto taken.

He sincerely wished, that every thing he should have the honour to propose, might be fully discussed, and fairly decided upon; that the nature of the case, the general principles on which they ought to proceed, and the application of those principles, might be clearly and distinctly traced out. In so doing, they would be best enabled to meet the emergency that called upon them and provide for the defect of the personal exercise of the Royal Authority.

The business of the Committee lay in a very narrow compass, notwithstanding the voluminous Reports upon the table. In the Report last delivered, there was abundant matter of confirmation to him, of the propriety and prudence of those measures which he was, as the Committee were aware, prepared to have proposed to them nearly ten days ago. But though there was much material information in that Report, there was no difference in his opinion, in the ground of what he had to offer, but that, on the former day, as well as the present, the Committee had more information before them than enough, to bear out all that he should submit to their consideration. If on the former day, he had had to state the ground on which he intended to have built his proceeding, he should have stated it thus: *That his Majesty was incapable of meeting his Parliament, or attending to public business; that the unanimous opinion of his Physicians, was, that his Majesty's recovery was more probable than the contrary, and that all the Physicians agreed, that it was impossible to ascertain when that so much wished for event might take place, but that those who were more*

immediately conversant with the disorder with which his Majesty was afflicted, had declared, that the majority were cured, and that one of the physicians, the most conversant of any, had stated, that the greatest length he had ever known the disorder to continue, was a year and a half or two years; that the shortest was three months, and the average five or six months. In saying even that, he should have said more than was necessary, for any argument on the principle on which he went. But to whatever duration this space was extended, the Committee had in their contemplation, that they were considering of expedients, *for an interval.* His Majesty may recover within the smallest term mentioned; if he did not, the fact was open to be proved: and if the duration of his illness was protracted, contrary to their hopes; the House would then, no doubt, proceed to a *final* and permanent settlement of the supreme authority. If they considered that the disorder was not in itself incurable, any man must think that the provisions ought not to be permanent.

He recapitulated what had passed on the subject on Tuesday se'nnight, and the line of argument that had been taken, which rendered it impossible for him to avoid giving way to a more narrow and minute enquiry, than had before taken place; and however he might feel pain on account of something that had passed in the Committee, he could not, upon the whole, but rejoice that he had given way, as it now appeared that the argument, on which the Right Hon. Gentleman over against him had relied, viz. that because a month had elapsed since the former enquiry, that his Majesty's cure was to be considered as the more improbable, was not grounded; since, however much the physicians disagreed in other points, they were unanimous, that the probability of the cure rested precisely on the same grounds as before; a circumstance which he was persuaded would give as much pleasure to the Right Hon. Gentleman, as it had done to himself.

With regard to the difference of opinion between the physicians, as to the prospect of a recovery, it appeared to him to depend on two circumstances, by which it could be decided on whose opinion the greatest reliance ought to be placed, viz. the knowledge of the malady in general, or the knowledge of the particular case of the patient. Three of his Majesty's physicians had been conversant with the malady. Two others, who though not so conversant, are well acquainted with his Majesty's habits. These two (Sir George Baker and Dr. Warren) attend his Majesty for two hours each day, the three others from evening till eleven o'clock in the forenoon: now it was natural for those who attended his Majesty most, to be the best judges of his situation; and it was remarkable, that Dr. Warren and Sir George Baker were the least confident of a cure, and the other Doctors

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more so ; but Dr. Willis, who attended his Majesty more than any of the others, was more sanguine than them all. Sir Lucas Pepys states circumstances, that do not amount to a certainty of a cure, but which prove an abatement of his Majesty's disorder. Dr. Willis is of opinion, that all the symptoms, since his last examination, are more favourable, and that there are considerable symptoms of abatement. In a word, all the physicians agree in the probability of his Majesty's recovery ; that the length of the time has made no unfavourable change, and those who understand the disorder best, think it more favourable.

He said, he wished not to go at length into the particulars of the last Report, on which the Committee might safely rely ; as there were those on the Committee who were anxious to sift with the most scrupulous accuracy, every thing likely to prove his Majesty's recovery. There had, he said, been those who had given little credit to Dr. Willis ; if, therefore, any observations should arise from them, he had no doubt they would be made in the same spirit, and with the same ability as they had made them with in the Committee above stairs. He spoke of the skill, integrity, and good sense of Dr. Willis, which, he said, were evinced under a severe cross examination, calculated to puzzle simplicity, in terms of eulogium, and said, that though being so near the city, the good man was equally untouched by its *mad politics*, and its *low intrigues* ! (*A loud cry of Hear ! Hear ! came from both sides, on this remark*) Mr. Pitt proceeded, and said, that however it might suit with the political intrigues of the times, or be convenient to circulate, just at present, in London and its environs, he would not anticipate the remarks that might be made ; but if there were any such remarks to be brought forward, he desired if they chose to discuss the credit of this or that physician, that they might understand the nature of the imputation, whatever it might be.

In the course of the enquiry above stairs, a circumstance had come out, over which he would not draw a veil of delicacy, as he was not ashamed to bring it forward. If it be stated to the discredit of any physician, that he had submitted to be unduely influenced by a *great personage*, let the Committee know to what physician, the imputation of having consented to give an untrue account of the state of his Majesty's health applied ; if an impropriety of transaction, like that, was imputed, he would not believe it, till it was distinctly *ventured* to be said, and when he used the term *venture*, he did not mean to apply it with regard to the exalted station of the person in question, but with regard to the transaction itself ; nor did he, he repeated it, believe that any man would venture to charge blame of any kind on the respectable personage in question, who had lived for almost thirty years in this country without traduction ; a pattern of the most
unexampled

unexampled affection, domestic tenderness and virtue; against whom the breath of calumny had not dared to send forth even a whisper, and who could not merit it at a moment, when visited by a calamity, which rarely befalls a private person, but which surely is not a little aggravated when it becomes the lot of the family of a person, in so exalted a rank as the Sovereign of the country.

If it was meant to impeach the credit of any physician, he would produce the opinion of Dr. Warren himself, in favour of the conduct of the high personage alluded to. That gentleman had said, "that there undoubtedly appeared some signs of amendment, but that he had been so often deceived by these, that he did not think it proper to make them a ground for his reliance." This was merely a matter of medical opinion, and may possibly be wrong; it was not therefore strange, if *un*-medical people, and among them the personage before mentioned, whose hopes, and whose anguish, were equally alive, should interpret them more favourably, and act in consequence of the immediate impulse; that a wish should naturally arise to have the report be such as should give the public the most favourable account of his Majesty's health. Would any man prove, that an undue influence had been used for that purpose? The Chancellor of the Exchequer explained in what manner the words a *comfortable way*, had been introduced into the report, and then spoke of Dr. Willis, declaring, he was known in the country where he lived, by his character, and by the happiness he had been the means of giving to the numerous families, who were bound to bless him for the good effects of his skill. He spoke of another physician, whose character was likewise high, and declared, that if he wished to draw a true conclusion of his Majesty's state of health, and prospect of recovery, he would wish to draw it from Dr. Willis, more than from any other physician.

Having said every thing he meant to go upon, respecting the report; he came to the main point, and said, the situation they were to provide for, was, for the cessation of the personal exercise of the Royal Authority, a deficiency, for which no previous provision had been made. As the cause of this deficiency, he had every reason to think, would be but temporary, they must deliberately consider what were the objects to which they were to look.

The first object they had to provide for, was to take care that there was a government in the country, equal to its safety, and the dispatch of public business. Out of the nature of such a provision another duty arose, and that of equal importance to the other, viz. to take care that the measure provided, did not go beyond the necessity of the case. The Committee were to provide powers for the exercise of the government, and they must take

take care to place those powers in proper hands; but, above all things, to recollect, that they were not placing a King upon the throne. They were to remember that the throne was full, that no right any where existed to exercise the Royal Authority, but that which was conferred by that House; they were to take care to provide against any embarrassments in the resumption of the Royal Authority, whenever God, in his providence, should permit the rightful holder again to exercise it. They were to provide only for the necessity of the case, and not to exceed it, and therefore the measures he should propose would be, to invest his Royal Highness the Prince of Wales with the whole Royal Authority, to be exercised in the name and on the behalf of his Majesty, under such limitations and restrictions only, as should be provided.

The principle, he said, was not new, although the circumstances of the case happened to be unprecedented. No man would say, that the same power that the principal exercised, ought to be given to the delegate. If they referred to Precedents they would find, that no one instance would be met with, of the whole of the Royal Prerogatives having been so delegated; on the contrary, every Precedent that bore the smallest analogy to the present situation, evinced the direct contrary, and that, no doubt, with a view to facilitate and ensure the resignation of the delegate, when the principal should be competent to exercise, or to resume his authority.

He referred them to the Act of Queen Anne, (the Act of Succession) the Regency Act of George II. and the Regency Act of the present King. Let them look to the case of a Sovereign disabled by infancy; was the Regent of the country invested with full and unlimited power to exercise the Royal Authority? Undoubtedly not. In the three Regency bills in the Statute Books, to which he referred; were there not limitations? There were in every one. All the powers might be given, but then they were not given to one person. What was the principle in a case of minority? It was thought unsafe to vest all the powers in one person. He laid particular stress on the Regency bill, in the reign of George the Second, and observed that there appeared, at that time, to have been a wish on both sides the House, to doubt what confidence should be placed in the Regent. They were afraid of making a precedent, and therefore they gave the royal powers among many; appointing a Council, without whose consent the Regent could take no important step whatever.

The Chancellor stated, that the will of the predecessor was, by one of the bills, to be the system followed, while the Heir Apparent continued a minor; a principle, which he owned he thought went too far, although it was a plausible principle, and was apparently most applicable to the present case.

After reasoning upon the three different precedents, and touching upon the short protectorate of Richard the Third, the other protectorates or guardianships in the earlier periods of our history, and demonstrating, by argument, that as in no one preceding instance, all the powers of royalty were given to one person; so in the present instance, which certainly differed most essentially, they ought not to be, nor could they be trusted in the hands of one person, without proving a hazardous, and, possibly, a prejudicial experiment. He said, he spoke without any prejudice on this head, and he should therefore wish to give all power to the Regent, which was consistent with the dignity of the Sovereign in his present situation. He should give all that was necessary for the present safety of the country; and he should withhold nothing, but what might possibly tend to counteract their wishes of giving back the supreme authority, whole and unimpaired, whenever it pleased Heaven to grant the recovery of the Sovereign.

His first Resolution, the Chancellor of the Exchequer said, he need not trouble the House with, as he had already stated its substance and effect.

His second Resolution, (which he read) was *to restrain the Regent from exercising one branch of the prerogative peculiarly inherent in the Crown, viz. the powers of granting Peerages, excepting to his Majesty's sons, being twenty-one years of age.* This restriction he thought necessary, as the Regent ought to grant nothing which might produce difficulties and embarrassments, when the happy hour of his Majesty's restoration to his health should arrive.

Nor would this restriction, he trusted, be found irreconcilable under the present circumstances. The causes of this privilege being vested in the Crown were *three*;—the *first* was, that, as the fountain of honour, it may issue this reward to high and distinguished merit; the *second* was, that as property and the influence which accompanied it, were fluctuating, and as the dignity of the Peerage would be lost, if that power was supposed to exist elsewhere, it was necessary that it should be infused into the Peerage gradually as it arose;—the *third* was, that it placed a strong check in the hands of the Crown, and this was one of the checks against oligarchy, as others had been devised, by the constitution, against a pure monarchy, and an imperious democracy. Not one of those reasons, he said, could operate against the present restriction. If there were those, who, on the first ground, hoped for the reward of their merits; it would, surely, not be long to wait until the Sovereign had recovered, or until his recovery were more removed from expectation. With respect to the *second* cause, the fluctuation of property; if those, he said, who were understood to be the advisers of the Regent, could
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even contradict all their own presages, concerning the revenue and commerce of these kingdoms; it did not therefore follow, that such a change was to take place, either in the landed or commercial interests, as to make a speedy creation requisite within the limits of the proposed delay! On the third ground, he was convinced, that the objection would be looked on as of greater weight. It would be urged, that there was at present a predominant opinion, on certain questions, in the Upper House, which might impede the Executive Government under the authority of the Regent!—But when the remedy to this was examined—when it was seen, that persons must, therefore, be infused into the Peerage, whose opinions the Sovereign, on his recovery, might wish to reject; the inconveniences must then be weighed against each other, and the whole became a matter of conjecture and opinion. He knew that rumours had been spread abroad, that there existed at present a dangerous cabal, a conspiracy, whose aim it was to preserve the powers which they had obtained in defiance of the claims of the Heir Apparent. But when the rank of the Peerage, and their stake in the general interest was considered, he trusted, that it could not be thought, that their prepossession would lead them to oppose any fair or necessary measure, or that they would risk their reputation to *bring in* any set of Ministers. If they should obstruct the Executive Authority in the beginning, they certainly would not, after an interval of experiment, and when the King's recovery might become less probable.—At all events, the remedy was reserved in their own hands, and the House of Commons could, at any time, resolve that the cause of the restriction had lost its force, and the measure its necessity.

He said, he meant to make no professions, but he desired what he was going to say, might be considered as the test of his future conduct; he then declared, that he should not be found an opposer of the just and wise measures of the new Government, which would remain to be discussed hereafter. He urged a great variety of other arguments in proof, that the withholding the power of making Peers for a time, was what they owed to the real interests of the country, and the true Sovereign; that it could not prove prejudicial to the Regent's Government, and that, if it should turn out so, they would have the remedy in their own hands, a principle which coupled with that, of doing nothing beyond the real necessity of the case.

Having repeatedly laid a stress upon this, he said, that upon the first view, the principles he had laid down might be supposed not to confine themselves merely to one branch of the Legislature, and it might be contended, that, as the present House of Commons had proved themselves so loyal to their Sovereign, and attentive to the interests of his people; that his Majesty would be
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happy to receive the congratulations of the same House of Commons on his recovery; but a little more consideration would shew that, that would be reserving from the people an opportunity, perhaps, of shewing the sense of the conduct of their representatives, and there could be no danger to the Sovereign in sending them back to their constituents, if the Regent should deem it wise or proper so to do; especially to a people whose loyalty had been so conspicuously manifested by the general and heartfelt sorrow expressed throughout the kingdom, in consequence of his Majesty's melancholy situation and illness.

After fully dilating on the second Resolution, he read the third; which was a restriction, *preventing the Regent from allowing any grant, patent-place, reversion, or annuity for life, except in particular unavoidable cases, such as to Judges, &c.* As this Resolution ran so much upon the principle of the preceding one, the Chancellor of the Exchequer said, it was unnecessary for him to go into farther explanation of it.

The fourth Resolution was for the purpose of preventing the Regent from any controul over the real or personal property of his Majesty.

With respect to the real property of the Crown, Mr. Pitt admitted, that it could be little endangered, as, by an Act of Queen Anne, it could be lett but on very short leases. The personal property also, which had been so often mentioned, but with the amount of which he professed himself totally unacquainted, was introduced into this Resolution, only because the old law-books stated, that the personal property of the King was held *jure Coronæ*, "in right of the Crown," on which ground the Prince might possibly be deemed entitled to it, in virtue of the first Resolution.

The Chancellor of the Exchequer said, he scarcely thought it necessary to pass this Resolution, as it was not probable his Royal Highness should interfere with his Majesty's personal property in his lifetime; but, as they were acting upon parliamentary principles, he thought it his duty to submit it to the Committee.

The last Resolution would be for entrusting the care of the Royal Person during his Majesty's illness, where, of course, all men would be unanimous in agreeing, the Royal Person ought to be placed, in the guardianship of the Queen; and, with this trust, his intention was to propose to put the whole of his Majesty's Household under the authority of her Majesty, investing her with full powers to dismiss, appoint, &c. as she should think proper.

Without being invested with this controul, he imagined the Queen could not discharge the important trust committed to her care. He spoke of the Officers of high rank in the Household, which, though their places were worthy the ambition of men of the first rank
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and family in the kingdom, were, nevertheless, only the first menial servants of his Majesty, and actually necessary to direct and superintend the greatest part of his Majesty's Household.

He stated that these Officers, such as the Master of the Horse, Lord Chamberlain, Lord Steward, &c. were, by many, thought high Officers of State, but the fact was otherwise; they were the menial servants of the Crown, and essential to its dignity and splendour. He argued against new modelling the Royal Household under the present circumstances, and spoke of the anxiety and pain it must give his Majesty, to find all those whom he had chosen to be about his Royal Person discharged. Possibly his Majesty's illness might continue but a few months, perhaps a few weeks; in such a situation, would it, he asked, be delicate and respectful to make a change? Those, who were Lords of the Bedchamber, he admitted, did no great duty at present, but the Equerries did. He owned, that this part of the arrangement was a matter of some difficulty; but when he considered what his Majesty would feel, when he waked from his trance of reason, and asked for those attendants, and was told, that his subjects had taken advantage of his momentary absence of mind, and changed them; he flattered himself no Gentleman would object to such a mark of attention being paid to his Majesty. Mr. Pitt combated, even with violence, the idea, that those noble Lords, with their known purity, and acting in the eye of the public, should attempt to impede the Executive Government, or should form even a neutral body to act from any other impulse than their own conscious propriety. The Regent, it was true, he said, was different from the King, but, at the same time, the Regent ought to have a retinue adequate to the importance, and the high rank of his station; and he meant to move, that he should have such a retinue which would, unquestionably, be some increase of expence to the country; but, as it was unavoidably necessary to appoint a Regent, it was equally necessary to maintain the dignity of the character, and Gentlemen would not, he conceived, grudge a little expence on such an occasion. He recurred again to the power to be lodged in the hands of the Queen, and urged the necessity of considering the rank of the King, the rank of the Prince of Wales, and the rank of the Queen, who was consort of the Sovereign, and mother of the Regent; it was not to be supposed, therefore, that the influence arising from the patronage held by the Queen, would operate to the detriment of the Regent's Government; in his opinion, to conceive as much, would be equally indecent and improper. On the grounds that he had mentioned, he moved,

" That it is the opinion of this Committee, that for the purpose of providing for the exercise of the King's Royal Authority, during the continuance of his Majesty's illness, in such
" manner,

“ manner, and to such extent, as the present circumstances of
 “ the urgent concerns of the nation appear to require ; it is ex-
 “ pedient that his Royal Highness the Prince of Wales, being
 “ resident within the realm, shall be empowered to exercise and
 “ administer the Royal Authority, according to the laws and
 “ constitution of Great Britain, in the name, and on the behalf
 “ of his Majesty, under the style and title of REGENT of the
 “ kingdom ; and to use, execute, and perform in the name, and
 “ on the behalf of his Majesty, all authorities, prerogatives, acts
 “ of government, and administration of the same, which belong
 “ to the King of this realm, to use, execute, and perform ac-
 “ cording to the law thereof, subject to such limitations and ex-
 “ ceptions as shall be provided.”

The Clerk read all the Resolutions ; when he came to the last, it stated that her Majesty was to have a Council, upon which the *Chancellor of the Exchequer* rose again, and said, that he had not entered fully into an explanation of the last Resolution ; because, although he had considered it as his duty to state it to the Committee, he meant it to be considered as a separate and distinct object, and so to be, at a fit opportunity, debated and discussed. He would just farther say, that it had occurred to him, that in cases of difficulty and embarrassment, on a subject of so delicate a nature, it might be a comfort to her Majesty's mind, to have a Council to consult, but it was merely intended to be a *Council of advice*, not a *Council of controul*.

The Chairman then read the first motion in form ;

Mr. Powys rose immediately and said, he could not withstand seizing on the earliest moment, to resist the whole system opened by the Right Hon. Gentleman, as a monstrous fabric, tending to mutilate and dismember the constitutional authority of the Crown.

When the Committee of Enquiry, of which he was an unworthy member, first sat, he knew all that was necessary for him to know of his Majesty's situation, viz. that he was incapable of meeting his Parliament, or attending to public business ; that, lamentable as his situation was, it was nevertheless accompanied with the hope of his probable recovery, the time of that recovery was, however, declared to be uncertain.

What was then the next proceeding ? They had voted a Resolution, that it was their duty to preserve the Royal Authority whole and entire. What were they now called upon to perform ? To dissolve, separate, and parcel out that Royal authority, that they had solemnly resolved to preserve whole and entire. What was the Constitutional Authority of the Crown ? He took it to be an assemblage of all the duties of the Kingly office defined by statute. When, and to which of the three estates was assigned the power of bestowing honours ? To the Crown, and that power of
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the Crown, was derived from the same source, from whence that House derived its power. It was an integral part of the power of the people; the moment they took from the Crown the power of bestowing honours; it, therefore, was no longer the Constitution framed by our ancestors.

He was told the political character of the King was entire; good God! was not the political character of the Crown entire? Was it necessary that Government should be new modelled? Were the regal Rights inherent in the person of the King, or were they annexed to the office?

He had heard in another place, that there was an infirmity in human nature, which naturally attached itself to power; the person who said so, was, no doubt, convinced of its truth; but was that infirmity confined to Princes? Was there any thing in the conduct of the Heir Apparent, that warranted a suspicion of his labouring under such an infirmity? Those who harboured a suspicion were bound to prove it. Had he acted improperly during his father's illness? Had he ever attempted by intrigues or cabal, to wrest the sceptre from the hand of his father? Had he been guilty of high treason? It was not, Mr. Powys said, consistent with the liberality of the Right Hon. Gentleman, to judge of a man's conduct, in a situation in which he had never been placed.

The Right Hon. Gentleman had said, there might be bad advisers of the Regent; might there not be bad advisers of the Queen? This country would look at their actions with peculiar jealousy. The Right Hon. Gentleman had said, when the new Government came in, they would have able leaders. Let those who were without offence cast the first stone! But was there no energy left in that House to censure Ministers, and controul their conduct? He flattered himself they should still be competent to grapple with all ill advisers.

In the Resolutions, if there were any thing plausible, and at first sight reasonable, it was in the third Resolution, containing the Restrictions against granting offices, patent places, and pensions; but it all proceeded on the mistaken notion that they were private property; that part of the Prerogative, which was the property of the Crown, he always had considered, and should consider, as part of the public revenue. Were none of the King's Household the political servants of the Crown; and had not the Right Hon. Gentleman declared, that the Regent should have the appointment of his political servants? Did the Hon. Gentleman know how many Members of that House, and how many of the other were on the establishment of the Royal Household? And was that to secure to the King the safety of his Crown against the ambition of the Regent, and his ill-advisers? Why would they vest one power in the Regent and not another; did they suppose that the Regent would abuse it? Did they really

feel that to be the case? Had they not some other object in view? There could be no argument for curtailing the Prerogatives of the Regent, that would not apply to the exclusion of the Heir Apparent from the Regency. If that was the object, let Gentlemen go to it explicitly, and in a manly way, and not in the narrow, mysterious, crooked, mischievous manner they were pursuing!

Mr. Powys read an extract from a political pamphlet, in this part of his speech, which he thought applicable to his argument, and then called on the Committee, not to set up that paralytical power which they were about to establish. The Resolution he charged with being like to excite feuds and animosities, not only in the kingdom, but in the Royal Family, and to arm *mother* against *son*. Was that the way to add energy—to add vigour to the Government? By all this, he must ask, however, what good was to be gained? They were to accept of a present *incapacity* of Government, in the hope of a future *excess* of power. They were to range in the twilight with contentment, in expectation of a superflux of light, when other *planets*, besides the *solar* Royalty, should bless them with their rays! For his part, he loved not either this weakness, or the excess of power. He disliked these ebbs and flows of the Constitution.

Mr. Powys reminded Mr. Pitt, that he had formerly fought under his banners, and fought with success; when he thought, in order to preserve a distant branch of the Government, an attempt was made to introduce a fourth estate, grounded on a wound at the very vitals of the Constitution. He declared, he considered the present system to be equally destructive to the Constitution; and, as he did not want to parcel out any of the Prerogatives of the Crown, at the will of an individual, he would move an amendment. The Right Hon. Gentleman had said, he went by precedent, but the precedents he had quoted, told against him. Mr. Powys said, he would establish himself upon precedent, upon the statutes themselves. The extent of power to be given now, ought to be the same as given in former statutes, and, therefore, he would give those words of the statutes. Mr. Powys accordingly referred to the statutes, and moved his amendment in these words:

To leave out from (illness) in order to insert,

“ And preserving the Constitution of Great Britain undisturbed, and the dignity and lustre of the Crown unimpaired.
 “ His Royal Highness the Prince of Wales be appointed, during
 “ the present indisposition of his Majesty, and no longer, in the
 “ name of the King, and in his stead, to exercise and administer,
 “ according to the laws and constitution of Great Britain, the
 “ regal power and government, under the style and title of Regent of the kingdom, and to use, execute, and perform all prerogatives

"rogatives, authorities, and acts of Government, which might have been lawfully used, executed, and performed, by the Regent and Council of Regency, constituted and appointed by an act of the 5th of his present Majesty, cap. 27."

The Chairman having read the amendment proposed by Mr. Powys, Lord North presented himself on one side of the table, and Lord Belgrave on the other; but the Chairman deciding, by calling upon

Lord North. His Lordship began, with declaring, that he could not see what Gentleman had risen, he hoped, therefore, he had not risen improperly. He had heard his name called upon from the Chair, and, on that account, he had persisted in standing up.

It might appear disrespectful; it certainly was not pleasant, and was rather unusual, for any Member of that House to rise, with beginning to complain of any Resolutions, which had, on a former day, received the sanction of the House, and yet, on the present occasion, he felt a renewal of those apprehensions which he had stated himself to labour under, when, instead of proceeding to perform that single act of duty, which the necessity of the case alone required at their hands, they had taken a course, at once novel and dangerous, by establishing a precedent unknown before, of appointing a shadow, a fiction of law, instead of a real, useful, and rational representative of the third estate.

Did it become them, as Members of the House of Commons, in a moment like that, when the Royal negative, which the Constitution had invested in his Majesty, was suspended, to avail themselves of the temporary incapacity of the King, and to attack all the authorities of the Crown while it remained without a shield. When he talked of the Crown, and of the King, he meant to speak of both in that sense, and in that character, which the Hon. Gentleman who spoke before him (Mr. Powys) had distinctly defined. The measures they were now called upon to adopt, contradicted that wise maxim of our Constitution, *that the King never dies*; the King, in his individual and natural capacity, it was true, suffered a demise, but the political capacity of the Crown was, both by Law and the Constitution, always held to be whole and entire; and why was this maxim established, but for a plain and obvious reason?—to guard against, and prevent a fatal interregnum of imperial power. Ministers had contrived to produce that evil, which the Constitution had so wisely and so cautiously guarded against, and had devised the means of the political death of the Crown. Let them ask themselves, what constituted the kingly office? It consisted of duties and functions on the one hand, of rights and prerogatives on the other; neither of them granted to the King for his personal gratification and advantage, but wisely invested in the Crown, as the third estate, for the good and security of the whole. Separate these public

duties and prerogatives, suspend some, and parcel out others, and there existed that fatal interregnum, which the Constitution had forbidden.

The Right Hon. Gentleman had repeatedly told them, in the course of his speech, that they were to expect, that his Majesty's melancholy disorder would be but short, and that they were to consider themselves as providing for only a *temporary* suspension of the personal exercise of the Royal Authority; but let the Committee recollect, that notwithstanding the long and repeated examinations his Majesty's Physicians had undergone; notwithstanding those examinations had obviously been governed by the general and anxious wishes of the Committee, that they might learn, when they might expect the happy moment of his Majesty's restoration, to the full exercise of his authority; it had not been in the power of any one consulted, to give an idea of the probable time, when his Majesty's recovery would take place.

The Right Hon. Gentleman himself had admitted, that unless his Majesty's recovery did take place, the Resolutions he had proposed would not be proper. Undoubtedly they would not. If it was but for a moment, every man, who was a friend to the Constitution, must submit to such Resolutions with regret, because they went immediately to effect the fundamental principles of the Constitution. But if it were admitted, that the Resolutions would not be proper, in case his Majesty's recovery did not take place, he must beg leave to deny, that they were proper at all, under any circumstances, or in any possible case. Nor were they, in his mind, more necessary than they were proper. They were, in themselves, pernicious and dangerous, and must necessarily lead to the utmost confusion.

That House had resolved, that it was their Right and Duty to provide the means of supplying the defect in the personal exercise of the Royal Authority. What could that mean, more than that they were to provide for the interval of his Majesty's illness, by not suffering any advantage to be taken to despoil the Crown of its just and constitutional Rights? It was their duty to take care, that when his Majesty should be capable of re-assuming the Royal Functions, he should find them in as good a state as he left them in; undiminished, whole, and entire. Would any man venture to say, that this would be the case, if the Resolutions, the Right Hon. Gentleman had proposed, should be adopted by the Committee? Indisputably it would not—because the object of the Resolutions was to appoint a person to the regal office, and to separate from that office the Royal Authority.

What was the nature and extent of the Limitations and Restrictions specified in those Resolutions, containing the detail of the general idea stated in the preliminary Resolutions then under
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the consideration of the Committee. By the first of these Resolutions, the Regent was to be refrained from making Peers; a new and unconstitutional limitation of the Royal Authority! The Right Hon. Gentleman had relied pretty much on precedents and their analogy, when he had persuaded the House it was necessary to declare it to be their Right to provide for supplying the deficiency, occasioned by the suspension of the Royal Authority. Could the Right Hon. Gentleman produce any precedent, which, by the most distant analogy, or the most forced construction, could be brought to countenance the restraining the Regent from making Peers? His Lordship declared, he knew of no moment in which such a power had lain dormant in this country.

The Right Hon. Gentleman had said, that this power could not be necessary to the Regent. The King possessed this power, because it was necessary; and the Right Hon. Gentleman had described it as the inherent Right of the Crown. It was, nevertheless, a public Right, and not a personal individual Right. It belonged to the Kingly office as one of the Royal Prerogatives, all of which were supposed to be necessary to the support of Government, and the good of the people governed. If the power of making Peers was necessary to a King, why was it not necessary in a Regent? In Kings, this power had been considered as the fountain of honour, and had been exercised often, to the general satisfaction of the people, as the reward of merit, and the incentive of public virtue. Why then should it be denied the Regent? His Majesty's ill-health, and the uncertainty of his recovery, would, of themselves, make the government of a Regent more precarious, more instable, than that of the Crown; which, from its nature, was permanent; and consequently more firm, more vigorous, and more effectual. Because then, the government of a Regent was naturally and unavoidably weaker than the Government of a King, was it to be made weaker still, by the imposition of unnecessary Limitations and Restrictions, tending to cramp, to embarrass, and enfeeble its powers and authority?

The Right Hon. Gentleman had said, a time might come, when it would probably be necessary to reconsider the business, and then, if his Majesty's recovery did not take place, they might remove the Restrictions now imposed on the Regent, and lessen the Limitations, or take them away altogether. That Parliament could revise, explain, and amend its own acts, was a truth, by no means new to that House; but why should the House create a necessity for such revision, explanation, and amendment, when the creating it would establish a dangerous precedent, and the avoiding it could lead to no sort of difficulty or inconvenience? The last Peerage Bill that was agitated, was

in the reign of George the First. At that time there were many men who deserved well of their country, and were fairly entitled to any honours in the power of the Crown to bestow; but George I. was then old and infirm; the Ministry, though a powerful party, composed of men of high character, great abilities, and great authority in the country, were imagined not to be much in the good graces of the Prince of Wales, the Heir Apparent to the Throne. They had reason to expect, therefore, that when the Prince of Wales came to the Crown, he would create so many new Peers, that their party would be outnumbered in the House of Lords; and thus they would be shut out from a reasonable chance of returning to power, in case it should, on the accession of the new King, be taken out of their hands. With a view to avert this evil, they proposed to limit the Peers to be created in future, and to restrain the Crown from ennobling more than a certain number of Commoners, from time to time. His Lordship said, these motives, he did not mean to assert, were the true motives, but they were those attributed to the Ministry at the time. The Bill in question was so clearly calculated to encrease the importance of the Peerage, that it was greedily grasped at by the Lords of all parties, although they pretty plainly saw the object that was meant by it. The Peers in opposition overlooked the political distinctions of the times, and were glad to lose sight of party in the promotion of a measure, the necessary end and effect of which must have been the exaltation of their own rank and authority in the Constitution. The Lords said, "this Bill may grow out of the secret policy of Ministers; it may be a job for them; but it is so plainly a job for us, that it is our interest to promote and embrace it;" and thence the Marquis of Buckingham, at that time in opposition, gladly undertook to introduce the Bill, and gave it all the support of his influence and abilities. It was carried, in consequence, by a high hand in the House of Lords; but when the Bill came down to the House of Commons, it met with a very different reception. The House felt the insult to themselves, and spurned at a Bill which went to set the other House above its balance in the Constitution. The Bill had been rejected in that House by a majority of *two hundred and sixty-nine*, a number, which his Lordship said, was apt to run in his head. [His Lordship alluded to an incident in his political life.] The House of Commons of that day considered the Bill as an Aristocratic measure, and they rejected it with indignation. In the present case, it might be ten, fifteen years, no body could say how long, they might be under a Regent. It behoved them, therefore, to be cautious how they proceeded. Were they sure, that when it should be thought necessary to take this among other Restrictions off, that they would have the ready concurrence of
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the other House? That House could do nothing legislatively without the concurrence of the House of Lords; and when the time should come, that the House should find it proper to take off the Restriction in question, and to declare, that they thought it no longer necessary, the House of Lords might say, "We beg your pardon, we think it is. We are too wise to part with what you were so unwise as not to withhold. We will not submit to be governed by the fancies of the House of Commons, we are aware of your capricious and changeable temper, but we do not move *arbitrio popularis auræ*. You once thought these restrictions necessary, we think them necessary still, we are aware of the value of what we have obtained, and it rests with us to judge, when it will be most fit to return it." Let Gentlemen, therefore, seriously consider of the future difficulty they might create, by abridging the Royal Prerogative, in so essential a particular, and if they were determined to impose the Restriction on the Regent, let them at least limit its duration, and put it out of the power of the other House to continue it in force, after the time, when it might appear no longer necessary to remain. His Lordship hinted, that it might be proper to date the existence of the Restriction from the 16th of January, and limit its duration to any future day, that to the wisdom of the Committee might seem proper.

The third Proposition, his Lordship said, was for preventing the Regent from granting patent places, offices for life, in reversion, &c. a proposition which he must oppose in the terms in which the Right Hon. Gentleman had conceived it. These sort of places, like the honours of the Peerage, were the proper rewards of merit, and such as the Regent, generally speaking, ought not to be restrained from granting. If any number of offices, which, before the first of November, were only offices held during pleasure, should, by the Regent, be converted into offices for life, or in reversion, his Lordship said, he should admit that such a power ought not to be exercised; because it would be a great diminution of the power of the Crown, which ought not to find itself in a worse state, than it was in before his Majesty's illness commenced, and no principle could establish that without contradicting the Constitution. But no man could say, that the same objection could be applied to the power of making Peers, because, if the Regent were allowed to exercise that prerogative, it would not, in the smallest degree, diminish the power of his Majesty to exercise the same authority, when he should be capable of re-assuming the reins of government.

His Lordship said, he would pass on to the fourth Resolution, which, if he understood it rightly, went only to restrain the Regent from interfering with such acquisitions of wealth or estate,

as from savings, or by any other means, his Majesty might have made personally, since his accession to the Throne. With regard to those, undoubtedly the Regent ought not to meddle with them; but the real property of the Crown was, in his consideration, the property of the public, lodged in the hands of the King for the public benefit. All property of the other description his Majesty might devise and dispose of by will, in like manner as any private gentleman could dispose of his unentailed private fortune.

The last Resolution was, undoubtedly, well worthy a serious and deliberate discussion, because it went to the disposal of a number of places in his Majesty's household, amounting to a vast deal of money out of the Civil List. For the disposal of places, of this description, to be submitted to the trust of any other person than the King himself, or the immediate Representative of the Crown, or for the exercise of so great a power deducible out of the Civil List revenues, to be separated from the other regal authorities, appeared to him to be an unconstitutional, an unprecedented, and a monstrous proposition. The Right Hon. Gentleman had said, that a great part of the expences of his Majesty's household was under the pay or controul of the Master of the Horse, the Lord Chamberlain, and the Lord Steward, and that, therefore, their remaining undisturbed in office was actually necessary to the regularity of the Royal household during the continuance of his Majesty's illness; and, that his Majesty's feelings might be much hurt, when, upon his recovery, he should find, that, during his unfortunate infirmity, his subjects had changed his household, and removed his domestics. His Lordship said, he did not wish to deprive his Majesty of his property, nor of his domestics; but could no other way be devised, by which proper attention could be paid to the King, without this vast patronage being vested in any other hands than those of the Regent? The Right Hon. Gentleman had declared, he found it a difficult thing to settle the interior of his Majesty's household, without giving the controul of it to the high and respectable character, to whom the care of the Royal Person was (and undoubtedly, in his opinion, ought) to be entrusted; and yet the Rt. Hon. Gentleman had found a way for the two Houses of Parliament to pass a law without the King, or a third Estate; and that, he must take leave to say, was a much more difficult thing. The Right Hon. Gentleman had, that day, also proposed to make a Regent, and to expect, from him, the duty and responsibility of a King; while he withheld from him the unrestrained exercise of the Royal Authority. Was it possible, then, for the Right Hon. Gentleman to feel any embarrassment in the disposal of the Grooms of the Bedchamber? This reminded him, of the extraordinary powers of an extraordinary order of beings,
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of whom they had all heard, when they were young. His Lordship said, he alluded to witches, and the potent faculties that were attributed to them, They were supposed to be capable of riding through the air on broomsticks, of blasting the most fertile fields, of destroying corn and cattle, and of persecuting their enemies, and killing people at a distance by a thousand ways; and yet, great and preternatural as the power of these witches was pretended to be, he had been told, when a boy, that all their efforts were vain, and all their arts defeated, by the simple circumstance of two straws being put across each other. Do this, and the power of the witch was at an end. Could not, therefore, the Right Hon. Gentleman get over his difficulty? Could he pass laws without a third Estate? Could he form a pageant, and invest it with the Royal Authority? Could he appoint a Regent, and despoil him of regal power? Could he make a King and no King, and yet, was the provision for dispensing with the patronage of appointing the Grooms of the Bedchamber, so difficult, so arduous, so insurmountable, that his invention, his power, his ingenuity, all left him, and he was forced to confess himself incapable? His Lordship said, he was persuaded, if the Right Hon. Gentleman would deem it worthy his endeavours, he would easily surmount this lesser difficulty, after having got over difficulties, that, to his understanding, appeared to have been so much more formidable.

The Right Hon. Gentleman, he observed, had told them, that the Lords of the Bedchamber were formerly intimately connected with the interior of the King's Household, and in the strict sense of the words, domestics of the Sovereign. This might have been the case in George the Second's time; but they all knew, that Lords of the Bedchamber had been *otherwise* employed of late years. They, as well as the higher household officers, were the political servants of the Crown; not appointed for the domestic comfort of the Sovereign, but for his public pomp, and annexed to his retinue, as a part of the pageantry of the Crown.

The Right Hon. Gentleman had assured them, that the patronage to be withheld from the Regent, under this Resolution, would not be abused, and had desired his profession, that *he* would not take part in any factious opposition to the government of the Regency, might be considered as the test of his future conduct. That the exalted Personage, in whose hands this enormous Patronage was to be nominally lodged, would not abuse it, his Lordship said, he was willing to believe, but when he considered, that there was to be a Council to advise her Majesty, he was not quite sure that advice would always be pure and free from the influence of a spirit of factious opposition. He had not, his Lordship said, that nice gift of sight, by which he

could tell, at the first view of a person's countenance, the sincerity of his intentions, but though he had lost his sight, he had not lost his sense of hearing. He had heard the Right Hon. Gentleman's profession of what he desired to be considered, as the test of his future conduct, but the Committee well knew, it was not parliamentary, to rely on the professions of an individual; when a great public measure was under consideration they ought to govern themselves by public principles, and not by personal confidence.

His Lordship remonstrated against withholding so great a part of the Prerogative of the Crown from the person who was best entitled to expect to be entrusted with the exercise of the Royal Authority, during the incapacity of the Sovereign. The Right Hon. Gentleman had denied, that there existed a right in the Heir Apparent to assume the exercise of the Royal Authority, but they had all heard it was admitted to be such an irresistible claim, as could not be rejected without injustice and without violence. What was it then, to which his Royal Highness had such an irresistible claim, that he could not be deprived of, but for reasons strong enough to justify a Bill of Exclusion? It could be no new constitution; it was a claim, he supposed, to something that had existed before. It was not a right to sustain a burthen, to submit to the performance of all the duties, without enjoying all the prerogatives of a King. No restrictions ought, therefore, to be imposed on the Regent; but if any Restrictions were adopted, they ought to be dated from the 16th of January, and be confined to a limited duration. He conjured the Committee to have recourse to their constitutional ideas, and if, during the temporary suspension of the King's personal capacity to exercise the Royal Authority, it was their duty to provide for that defect in the constitution; let them be governed by the necessity of the case, and not exceed its limits. Let them provide, that the people should have a good government: and when they had done that, they would have done all that they owed to themselves, to the people, and so good a Sovereign as his Majesty: to do more, would be a most dangerous experiment. During the continuance of that melancholy malady, with which the King was afflicted, and the bare recollection of which made every man's heart bleed, the people had a right to expect, that they should be well governed. Let it not be said, then, that for fear the Regent should change a Ministry, they were willing to change the Constitution. Let them not be captivated with every light and airy fancy of political speculatists, but let them adhere to what they knew, from experience, to be solid and secure. If they adopted the project suggested by the Right Hon. Gentleman, they would act contrary to the practice of their ancestors, and contrary to the principles of the Constitution.

His

His Lordship said, there was no institution of their ancestors, which might not be changed on the suggestion of wanton caprice and loose fancy, if they once gave way, upon so great a point. If they were prevailed on, there was nothing safe, since, upon the same principle that they were now called upon to sacrifice what had been, for above a century, found agreeable to the wishes and taste of the people, they might be desired to alter every institution, the most useful and the most salutary. Let them learn to dread the change of their Constitution, from the mischiefs that had followed from such a circumstance in other countries.

Spain owed the loss of her Constitution to the complaisance of the *Cortes*; had not their fatal pliability taken place, Spain would have remained free. The foundation was also laid for the ruin of the liberties of Rome, by innovating upon her Constitution. They all knew that Rome owed her freedom and greatness to being under the government of persons annually elected to office, and her victories to short commands. When war was made, or peace proclaimed, in the best times of the Commonwealth, it was done by the Consul or Pro-consul, who headed the Roman armies, and conducted them to the field; but when great men came in fashion, they did all themselves; thus, when Sertorius was in rebellion against the Republic in Spain, and Mithridates in arms in Asia, the Mediterranean infested with pirates, and Rome threatened with a scarcity of corn, Lucullus was recalled, and Pompey invested with the command, and with the conduct of the war; nothing would at that time go down with the Roman people but Pompey; Pompey, it was true, subdued Sertorius, reduced the Mithridates, scattered the pirates, and brought grain to Rome; but by the Commonwealth's departure from the established principles of the Roman Constitution, the Constitution of Rome was undermined. Short Commands were abolished, Cæsar was put at the head of the legions for five years, and his command was prolonged for five years more. Cæsar was undoubtedly a general, but this relaxation of the laws in his favour, and similar acts of complaisance to other great men, put an end to the liberties of the Republic, and gave Rome a master. His Lordship declared he trembled for his country, if the Resolutions were adopted. If they thought any advantage could repay the violation of the Constitution, and acted upon that principle, that principle would be their ruin. He should not, he said, himself probably live to see the fatal effects that might follow, but his posterity would, and there were gentlemen, who sat there, that might one day present, in the bitterness of affliction, the wreck of public freedom, that would follow in consequence of the liberty they had that day suffered to be taken with the landmarks of the Constitution!

Lord

Lord Belgrave rose after Lord North, but it is utterly impossible to follow his Lordship regularly, the Committee happening to be rather in a state of disorder while his Lordship was on his legs. We understood his Lordship to assert, that vesting all the Royal Prerogatives in the Regent, would be to trust too much power in one person's hands during the life-time of the Sovereign. He reasoned a good deal on the Report then upon the table, and upon the competition that had been set up between the skill of Dr. Warren and Dr. Willis. He said, he would not follow the example of others, *e converso*, and say, that Dr. Warren was an improper or a dangerous man to be about his Majesty, because he thought Dr. Willis was not an improper nor a dangerous person to be so employed. He would not take upon him to decide upon the comparative merits of the Physicians, but he was persuaded that if any unprejudiced man were carefully to peruse the Report, he would pronounce the result of it to be, that the probability of his Majesty's recovery was declared to be increased, since the preceding examination of the Physicians who attended him. Lord Belgrave said, the Queen was universally beloved and adored, and that the whole of her conduct, during his Majesty's illness, had been so exemplarily tender, and affectionate, that it must encrease the veneration and regard which all ranks of people entertained for her. His Lordship strenuously maintained the political integrity of the King's character, and said, if that were taken away, or considered as suspended, the Constitution would be highly endangered. He urged, the propriety of securing the Rights of the Crown, and not trusting them to the hazard of events.

He professed a sincere esteem for the Prince of Wales, and declared, he had an implicit confidence in the virtues of his Royal Highness; but in a case like the present, when they were establishing a precedent, and providing an example, as it were, for posterity, they could not proceed with too much caution. There might, hereafter, exist an Heir Apparent, who, equally deaf to the ties of nature, and regardless of the interests of the people, might connect himself with a desperate faction, and, forgetting what was due to his own character, and his exalted station, might afford the nation a melancholy prospect of what they were to expect when he came into power. God forbid, he said, that such an one should exist; but as the transactions of the times would, doubtless, form an important æra in our history, it was their duty to guard against the possible danger of the Regent being surrounded by ill-advisers, and his mind warped by the councils of an unprincipled faction, who had once already made a violent attack on the constitution of their country. His Lordship passed the highest encomiums on the Chancellor of the Exchequer, observing, that when the just and lawful prerogatives

tives of the Crown were in danger, his Right Hon. Friend had manfully stood forth to defend them; and on the recent occasion of the personal exercise of the Royal Authority being suspended, when the liberties of the people were threatened by a declaration of a Right in the Heir Apparent, to assume the exercise of the Royal Authority (a Right that they had resolved could exist, constitutionally, only in the person to whom that and the other House of Parliament should delegate it) his Right Hon. Friend had, with equal spirit, denied the existence of the Right asserted to exist in the Heir Apparent, and after putting the assertion and denial at issue, had obtained a Parliamentary declaration in favour of the people. His Lordship wrought up his panegyric to a climax, repeated his profession of love and respect for the Prince of Wales, and for the Constitution of the country; and after a quotation, in Greek, from the Orations of Demosthenes, concluded with declaring, that he should vote for the Resolutions, as he highly approved of the system which they tended to establish.

Mr. Sheridan began a most pointed, ingenious, witty, and powerfully argumentative speech, with declaring, that he meant not to copy the example of the noble Lord; he rose neither to congratulate the majority, nor condole with the minority, on any former vote of that House, which the noble Lord had extolled as an act of spirit; if the assertion were true, and the fact was, that the vote the House had last come to, had been an act of spirit, he hoped they would now proceed to an act of justice. He declared, he would not attempt to deprive his Lordship's Right Hon. friend of the character he had bestowed upon him, whether taken from Roman or selected from Greek writers. As to his Lordship's Greek quotation, he lamented that it was rather inapplicable to his purpose, if he meant in its allusion to compliment the Minister. The noble Lord had misapplied the line he had quoted from Demosthenes, who had meant to reproach the Athenians for wasting that time, which they should have spent in effectually opposing their enemy, in fruitless enquiries and examinations of physicians, from the wish of learning an unfavourable opinion of his health; he hoped that was not a very applicable case on the present occasion, and that the enquiries had not been carried on with that view.

He would not, he said, go much at large into the Report then upon the table, though he could not pass by the representations the Right Hon. Gentleman had made of the answers and opinions of the physicians; the Right Hon. Gentleman had said, that the physicians had all agreed, that his Majesty's cure was probable, that he was better, and that there were more or less signs of his recovery. *That* he positively denied; the Right Hon. Gentleman had not quoted the Report, and he would not do it, but

but he asserted, that the physicians did not all of them state, that there were signs of his Majesty's recovery. Dr. Willis, indeed, did state it, and there was something of the same sort said by Sir Lucas Pepys, but the other physicians declared the express contrary to be their opinion.

Mr. Sheridan took notice of the manner in which the Chancellor of the Exchequer had spoken of Dr. Warren, and charged him with having indirectly endeavoured to attack Dr. Warren's character; the noble Lord who spoke last, had also, he said, followed the Right Hon. Gentleman's example, and in a way peculiarly injurious insinuated to the prejudice of Dr. Warren. On occasions like the present, Mr. Sheridan said, it was ridiculous to stand upon idle ceremonies, and trifling etiquettes; he would speak out and say, that if there was a witness, who appeared to give prevaricating and evasive answers, that witness was Dr. Willis. In order to see whether he was right or wrong in this assertion, let Gentlemen look fairly to the Reports, and then decide. The Right Hon. Gentleman, when talking of the endeavours to puzzle and mislead Dr. Willis, and perplex the simplicity and plainness of his nature, had looked towards him, as if he meant to allude to his cross-examination of that physician in the Committee above stairs. He knew not that it was either parliamentary or proper, to make what passed in Select Committees above stairs, the subject of allusion in that House; but if the minutes of the Committee were before the House, they would see, that he had cross-examined Dr. Willis, with a view to put his credibility to the test; in consequence of a learned friend of the Right Hon. Gentleman, then in his place, having cross-examined Dr. Warren, expressly, as he had himself declared, for the purpose of impeaching Dr. Warren's credibility.

He argued the different answers given by Dr. Willis at different times, and charged them with various contradictions. When he heard Dr. Willis at one time asserting, that the accounts sent to St. James's did not convey a true state of his Majesty's health, but were considered by him as prescriptions for the public to swallow, and when at another he heard him admit them to be statements of facts, and found from the examination of the other physicians, that no such conversation had passed as Dr. Willis had stated to have passed, was he not necessarily staggered, and inclined to think Dr. Willis a loose and random speaker? When he heard Dr. Willis attribute his Majesty's illness to seven-and-twenty years of extreme study, abstinence and labour, and declare that his Majesty was recovering; assigning as a reason that the physic he had that day given him, had produced the desired effect; what must he think of Dr. Willis, when he heard him assert that his physic could in one day, over-
come

come the effects of seven-and-twenty years hard exercise, seven-and-twenty years study, and seven-and-twenty years abstinence, it was impossible for him to keep the gravity fit for the subject. Such assertions put him in mind of those nostrums that were to cure this and that; *and also disappointments in love, and long sea voyages.*

He did not, Mr. Sheridan said, impute Dr. Willis's answer to any intention to deceive, but when he heard him roundly declare, what every other of his Majesty's physicians pronounced it impossible to speak to, he must assert that Dr. Willis was a very hasty decider. Having dismissed this part of his argument, Mr. Sheridan proceeded to animadvert on other parts of the Right Hon. Gentleman's speech, and declared he did not wonder, that in speaking of one person whom the Right Hon. Gentleman had thought fit to introduce, he chose to appeal to the feelings, rather than the judgment of the House. That Gentleman, he said, indelicately endeavoured to introduce the name of the Queen, and to provoke the discussion of a subject, that he trusted the delicacy of the House would disappoint him in; and that on that score the House would leave him content with having negatived what had never been affirmed. The dutiful conduct and domestic virtues of that royal person, never had been called in question; he hoped, therefore, they should avoid the discussion, as a matter equally unnecessary and indecent, and when the Right Hon. Gentleman talked of delicacy on the subject, he wished him to reflect on his own conduct in the Committee. Those who would give responsibility to the Queen, those who would take her out of that private and domestic station, in which she had conducted herself so amiably and irreproachably, who would presume to place her in any other station; those, Mr. Sheridan said, were the persons who tear the veil of female delicacy away, and make her, instead of being an object of domestic pity, act incompatible with the duties she owes her royal consort, and unbecoming her feelings. Those, he repeated, were the persons who manifested a want of delicacy, and a want of attention, to the character and comfort of the royal person in question.

With regard to the feeble preference to the Prince's claim, which the Right Hon. Gentleman had admitted, it appeared from the Right Hon. Gentleman's conduct, as if his concurrence with it, was extorted from him by the opinion of the public. The plain question was, what were the motives that induced the Right Hon. Gentleman to refuse the full powers of the Crown, to the person who was to act as its representative? What, but an intention to tie up the hands of Ministers, at a time when they would be most in need of unrestrained authority.

It would not, he believed, be denied, that a Government by a Regent, must necessarily be more weak than a Government carried on by the Crown itself; and that consequently it required every possible degree of additional aid and assistance; but by the line proposed, it was signified to all foreign powers, that they were divided among themselves, and that there did not exist that harmony of heart, and unanimity, so necessary to exist at that crisis.

The Right Hon. Gentleman had resorted to precedents in support of his arguments of that day, but the whole line of precedents he meant to follow, made directly against the inference he meant to draw from it. By the mode the Right Hon. Gentleman had adopted, the balance of the Crown was destroyed, and as far as the balance of the Constitution was concerned, that was destroyed also. Did the Regency bills, referred to by the Right Hon. Gentleman, proceed upon the supposition that the minor could never be of age? Most certainly they did not, nor were the powers of the prerogative withheld. They were all given, not into the hands of one person indeed, but into the hands of many. Mr. Sheridan stated, that at that time (in the reign of George the Second) the Prince of Wales was thirteen, and he was by the Regency bill declared to be of full age at eighteen, and the King was at that time alive and in good health. He reasoned upon these facts, and shewed, that the utmost time the Prince could in that case have been a minor, was five years, and that the probability was, that he would have remained so when he came to the Crown more than two or three years. Towards the latter end of the Right Hon. Gentleman's speech, he said, the true motive of the Right Hon. Gentleman's conduct had manifested itself; he had, on a former day, adverted to it, but not that day, except in the part of his speech to which he then alluded, and that was his belief, that the Regent would change the Administration, and that the Government would fall into the hands of those whom the Right Hon. Gentleman had dared to assert, had been convicted of a confederacy to overturn the Constitution. That was the real spring of all the Right Hon. Gentleman's measures respecting the Regency. If the present Ministers had been intended to have been kept, the limitations, he verily believed, would never have been heard of. The whole of the Right Hon. Gentleman's conduct was, confessedly, governed by party considerations, and by the impulse of his own personal ambition.

The Right Hon. Gentleman talked of the evil advisers the Regent might possibly have about him; was there, in fact, any real cause to dread such a circumstance? If that were the case, might he not ask with the Hon. Gentleman near him (Mr. Powys) was there not vigour enough left in that House, to crush
any

any attempts of abuse of authority, to call bad Ministers to a severe account, and to address the Regent to remove them from his councils. The Right Hon. Gentleman had more than once wantonly attacked that side of the House, as containing a political party; he made no scruple to declare, that he thought it the glory and honour of his life to belong to that party; he, who knew the character of that party, knew that it was an honour any man might covet, to belong to it. Was it a disgrace to have been formed under the Marquis of Rockingham, and under his banners to have combated on behalf of the people with success? Was it a disgrace to be connected with the Duke of Portland, a nobleman who, swayed by no mean motives of interest, nor influenced by any ambitious designs to grasp at power, nor with a view to any other purpose than the welfare of the Country, dedicated his mornings unremittingly to the promotion of the public good? Mr. Sheridan spoke also of his Right Hon. Friend near him, as an individual, whom no man knew, without immediately becoming astonished at the extent of his mind, and the keenness of his understanding, enamoured with his virtues, and attached to him from principle. He said, it was the pride and glory of his life, to enjoy the happiness and honour of his friendship; and asked, if the Duke of Portland and Mr. Fox, were the less worthy of the confidence of their country, or more unfit to be Ministers; because an arrogant individual chose presumptuously to load them with calumny.

Were he an independant man, standing aloof from party, and wholly unconnected with it, he could not, with patience, hear the Right Hon. Gentleman's insulting language; but as a party man, boasting himself to be one, how did the Right Honourable Gentleman imagine, he should receive his reflections but with that scorn and disdain, which became a man, conscious of the worth and value of those, with whom he was connected? He reminded the Right Hon. Gentleman, that after that confederacy, whom he had so grossly calumniated, had, among other of their iniquitous proceedings, passed their India bill, and after they had formed their coalition, that Right Hon. Gentleman was ready enough to have joined the confederacy; and a treaty, as the House well knew, had been then set on foot, but the negotiation was not concluded.

He declared, he did not believe the Right Hon. Gentleman was in earnest, he would not injure him so much as to believe him to be in earnest, when he talked of the damages to be dreaded from the evil advisers of the Regent, as to the abuse of the exercise of the powers of creating Peers.

Mr. Sheridan commented on the Chancellor of the Exchequer's argument, on the subject of creating Peers, with some pleasantry, declaring, he had never before heard, that the com-

merce of the country had swelled to such a pitch, that therefore it became necessary to add to the number of the Peerage; and that another reason was, the prevention of a faction, in the House of Lords, against the Crown. The Right Hon. Gentleman had, he said, made no less than forty-eight Peers in the five years that he had been the Minister, and that yet he had never heard of any faction having been likely to have taken place in that branch of the Legislature. After putting this pointedly, Mr. Sheridan took notice of the Right Hon. Gentleman's having said, he desired it to be considered as a test of his future conduct, and not as a profession, when he declared, that he would not oppose the measures of his successors in office, he desired the House to remark the manner in which that test had been worded, viz. that the Right Hon. Gentleman would not oppose any just or good measures of the new Ministry, which measures were *hereafter to be discussed*. Mr. Sheridan said, the declaration called to his mind a similar one of the Right Hon. Gentleman on a former occasion, which the Right Hon. Gentleman had not adhered to. He declared, he believed the Right Hon. Gentleman was sincere in his intention, though he had not what Dr. Willis declared *he* possessed, the gift of seeing the hearts by looking at mens' countenances. He remembered the Doctor at first told the Committee, "that he could thus see the heart of any man, whether he was sick or not," a declaration that had appeared particularly to have alarmed the Right Hon. Gentleman; that out of the question however, it was not parliamentary to trust to any Gentleman's profession; especially, where the grounds of faithfully adhering to those professions, was expressly left hereafter to be disputed.

He reprobated the idea of reserving the patronage of the royal household, and mentioned the Right Hon. Gentleman's having charged his Right Hon. Friend, (when on a former occasion he quitted office) with having left a fortress behind him. The charge was true, he admitted that his Right Hon. Friend had done so, but then like a coarse, clumsy workman, he had built his plan in open day, and retired with his friends, who served without pay, though their services had been long continued. Not so the Right Hon. Gentleman over the way; like a more crafty mason, he had collected his materials with greater caution, and worked them up with abundantly more art. Perhaps he had taken the advice of the noble Duke, famous for fortifications, and with the aid of that able engineer, had provided a corps of royal military artificers, and throw up impregnable ramparts to secure himself and his garrison. Mr. Sheridan was extremely sportive in this part of his speech. The ambition of the Right Hon. Gentleman would be highly gratified, when he could proclaim abroad, that he had the power of making Peers, and

and of making and unmaking Kings. In this case, he could have no doubt, but the people would flock to the Right Hon. Gentleman's door, to have the banners displayed on his ramparts. The horse guards, the corps of artillery, and the chamberlain, should attend him, the officers of state should appear in his *suite*, whether to attend him to the capitol, or to hear the thunder of his eloquence without. Those, says he, who dare give the Queen advice to lend her name to the factious government of her son, and contrary to the interest of the Right Hon. Gentleman, shall be proscribed.

He seriously reprobated the person, whoever it might be, that had advised her Majesty to lend her name, to such a proposition as that, then made to the Committee; and declared, that take away the one ground of suspicion, of the bad advisers of the Regent, and the Right Hon. Gentleman had not produced a single argument in support of his system.

•He described the power that the Ex-Minister would derive, from retaining the patronage of the King's household, and contended, that the pretext that his Majesty's feelings would be shocked, when he recovered and found his household changed, was ridiculous; he said, the bad advisers of the Regent were to be allowed the power of making war, peace, treaties, &c. and the exercise of various other important authorities.

To talk, therefore, of his Majesty's feelings, when he should recover and find his household changed, was to suppose that he would be less shocked to learn, that the Constitution of his country was changed, part of his dominions ceded to foreign powers, and other essential and important calamities and disgraces entailed on his country; which was like a man, who having been entrusted with the mansion-house of a person (during his incapacity) to take care of; should suffer it to go to ruin, and the winds of heaven to blow through almost every part of it, the enclosures to be broken down, the flocks of sheep to be shorn and exposed to the storms, and all left to ruin and decay, except a few looking-glasses and old worthless gilt lumber, that were locked up in an old-fashioned drawing-room. He said, he had lately heard much of the political capacity of a King, but had never heard that the political capacity of a Lord of the Bedchamber was so inseparably connected with his body natural, that if the former were extinct, the latter could not, without difficulty, be found, when his Majesty should recover, and call back his household officers.

He observed, that Ministers were desirous of making it a condition with the Regent, that they were to have no claim upon him, provided the Red Book remained as it stood at present; let the Court Kalendar continue unaltered, and the Prince of Wales might be Regent. Having put this pointedly, Mr. She-

ridan spoke again of the Minister's pretended regard for his Majesty's feelings, and asked the Right Hon. Gentleman, whether he thought his Majesty would not be hurt, when, upon his returning reason, he should know in what manner his sons, the Heir Apparent and the Duke of York, as well as the other Royal Dukes, had been treated by Ministers during his illness; especially after the gracious declarations they had all heard of in another place. He observed, that the Right Hon. Gentleman had admitted the restrictions to be evils, and had discussed them chiefly on the grounds of expediency; he combated them on that ground, and in the course of his argument, declared, he fully admitted the doctrine of the Lawyers, that the political capacity of the Monarch was whole and entire, but that he must contend, they were acting in direct opposition to that principle, and to what had originally made it a principle in our Constitution.

He said, he had no occasion to reason upon the question, it was enough to state his arguments; they were so evident, that they needed only to be heard to be admitted as if they were proved. After a great variety of sarcasms, and shrewd observations, Mr. Sheridan concluded with declaring, that when it should be known by the public, that the motive for such restrictions was no other, than because the Prince was going to have another set of men than those now in office, they would despise and detest the cunning and the craft, that dictated such a crooked, miserable proceeding!

The *Speaker* (*Mr. Grenville*) confessed, after the partiality the House had shewn for him, and the situation in which it had placed him, nothing could certainly induce him to remain silent on the subject before the Committee, if it was not of a nature the most interesting that ever attracted the notice of the nation.

With regard to the statute of George II. the moment the House found it had the authority, to provide for the deficiency in the executive branch, it also proceeded to legislate, as far as the necessity of public affairs required. When the Crown descended on the son of King James II. the Parliament met, not only to consider whether the King had forfeited his Crown, but whether, on the necessity of the case, they could transfer the Crown to whomsoever they thought the best entitled to it.

He insisted, that acting consonant to the propositions of the Right Hon. Gentleman (*Mr. Pitt*) the Houses acted constitutionally, and according to him acted under the calls of necessity, but without ever acknowledging any right in the persons whom they thought the best entitled to the election in similar cases. The throne, he insisted, was not vacant, but full; and therefore that King could not be deserted, to whom the House had sworn allegiance. In the history of the country, there was no instance

instance where the throne was full, that any subject was ever invested with the Royal Authority.

The Speaker, after combating, with much legal and constitutional doctrine, the arguments on the opposite side, concluded with declaring, he would give his hearty negative to the amendment.

Mr. *Welbore Ellis* insisted, that a greater question was never agitated within the walls of the House, than that at present before it. He wished that the House would adopt the principles of the Precedents selected from the time of the Revolution, as far as they were analogous.

The powers entrusted to the Crown, he observed, were entrusted by the people. If any visitation fell on the King, by which he was incapable of exercising those powers, Parliament was called on to restore those powers, as far as the necessity of the case required, and the powers of the Crown, to which the people are entitled, as springing originally from them, in case of incapacity in the King, could not be withheld.

Rewards, emoluments, and honours, he observed, are the principal instruments of government; for merits called out into action, should meet a suitable reward; but if you stop the source of royal munificence, and deprive the Prince of this part of his prerogative, you then, indeed

“ Place a barren sceptre in his gripe.”

It was a wise maxim, he said, which mentions, that the “*King can do no wrong*,” and as long as that principle was admitted, he saw no dread of those abuses being committed by the Prince, which had been insinuated.

With regard to Peerages, he could not see, on the recovery of his Majesty, how he would be embarrassed to find a few deserving and loyal subjects raised to the dignity of the Peerage; and he confessed, that he saw no colour for any of the Right Hon. Gentleman’s restrictions, except that which went to the limitation of granting reversions, which might harass his Majesty in case of recovery. He would therefore vote for his Hon. Friend’s amendment.

Colonel *Fullarton* insisted, that if the powers of the Sovereign, in his present lamentable situation, were to be withheld from the Prince, and that the Right Hon. Gentleman argued in favour of their remaining unoccupied and unproductive, he would repeat, as the Right Hon. Gentleman had the temerity to repeat to an Hon. Friend of his, on a former debate, that his (Mr. Pitt) arguments were *treason* against the State.

He wished to know, if the King’s powers were to be considered as his wardrobe, and never to be worn but at the caprice

of the Sovereign? This was a proposition that no man would presume to support, for those powers are not lodged more in the person of the King for his good, than for the benefit of the country.

The Right Hon. Gentleman had said, that every thing withheld from the Regent, was gained to the state. But he begged leave to differ, for the King is the legislative Sovereign, and the executive Magistrate, and the Constitution could not be safe, when one branch infringes or mutilates the other. He quoted Montesquieu in favour of his proposition, who asserts that "the Constitution of England is that instant in imminent danger, when the legislative power is suffered to violate the executive."

He next alluded to the case of Charles VI. of France, whose history he recommended the Right Hon. Gentleman to recollect. There he would find the Queen of that unhappy Monarch, under the influence of a Chancellor and his party, who were afraid they should lose their situations, if they did not prevail on her to combine in their artifices and intrigues against her son.—They were successful in their villainies, and they prevailed on the weak woman unnaturally to combine against the Prince; and for the purpose of depriving him of his rights, the Great Seal of Charles the Sixth was put to an instrument by the Chancellor for that purpose. The Prince being of course driven from his kingdom, and stripped of all his powers by a wicked faction, had at length the good fortune of rescuing it, and under the character of Charles the Victorious, was afterwards the comfort and adoration of his people.

Colonel Fullarton excused himself for introducing any thing so unpopular as foreign history, but could not resist introducing a Precedent, amid the rage for ransacking old books, to prove what can never be justified against the Heir Apparent. He would therefore give his hearty suffrage for the amendment.

The question was then put on Mr. Powys's amendment, "that the words originally proposed, stand part of the question."

On a division, the numbers were,

Ayes	—	—	227
Noes	—	—	154

Majority against the amendment	73
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The original question was then carried.

The question was afterwards put from the Chair, on the *second* Resolution, respecting the *restricted* creation of Peers.

On this a conversation of some length took place, in which, amongst others, Mr. Fox took a share; but as all strangers were then excluded, it is impossible to give it in detail.

A division

A division took place, on which the numbers were,

Ayes	—	—	216
Noes	—	—	159

Majority for the Resolution	57
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The consideration of the remaining Resolutions was postponed to Monday, on account of the lateness of the hour.

At half past two o'clock, the House adjourned to Monday.

MONDAY, JANUARY 19.

HOUSE OF COMMONS.

RESTRICTIONS ON THE REGENT.

THE *Chancellor of the Exchequer* moved the reading of the order of the day.

Mr. M. A. Taylor begged leave, before the order of the day was read, to observe, that rumours had gone abroad of the Prince of Wales having heard of the restrictions. The present Question was a Question of no common moment, but affected every thing dear to Englishmen; it went to the undermining the Constitution, and overthrowing the Government of this country; he, therefore, requested first to be informed, if his Majesty's Ministers had had the Resolutions communicated to his Royal Highness the Prince of Wales; and his next question was, whether his Royal Highness had given any answer to such communication; if he had, *Mr. Taylor* said, he should move, that the papers be laid before the House, and the answers to them, previous to their proceeding any farther.

The *Chancellor of the Exchequer* doubted whether the Hon. Gentleman had any regular grounds to go upon, when he asked, if the confidential servants of the Crown had communicated with the Prince of Wales, upon a subject under discussion in the House of Commons? Or whether he could shew to whom the House could issue orders for the production of such papers?

Mr. Taylor conceived the Right Hon. Gentleman meant to say, that no ground had been laid before that House. He said, there could not be any, under the present circumstances. But it is very easy for the House to be put in possession of the sort of information necessary, as there was a Member in that House, who must have knowledge of such letters passing, if any had passed.

Communications ought to have been made to the Prince ; if they had not, the Cabinet had not done their duty ; and if they had, he thought it very singular, that they were refused to be produced to the House, which ought not to proceed without them.

Mr. Jolliffe said, the Right Hon. Gentleman owed such a communication to the House, who ought to be acquainted whether the Prince would, or would not, accept of the Regency under such and such terms ; it was but decent, he said, that the Right Hon. Gentleman should answer explicitly to the House.

The *Chancellor of the Exchequer* said, the Hon. Gentleman (Mr. Jolliffe) had furnished him with a sufficient argument against giving any intimation of the kind. It would certainly be not only very unparliamentary, but nothing could be so presumptuous and improper, as to say on what restrictions, or in what manner the Regency would be accepted, at the moment the House was deciding in what manner it should be given.

Mr. Jolliffe, in his own justification, said, that he conceived it would be deluding the House, if the Right Hon. Gentleman should propose such restrictions upon the Regency for them to adopt, that he knew his Royal Highness would not accept it upon.

The question on the order of the day was then put and agreed to, after which the House resolved into a Committee, Brook Watson, Esq. in the Chair.

The *Chancellor of the Exchequer* reminded the Committee, that the four Resolutions he had proposed, on a former night, being agreed to, it was necessary for him to venture again to trouble the Committee, by speaking more particularly than he had before done, to the fifth Resolution, which he should that day have the honour to propose for their consideration.

The foundation he had gone upon, for all the measures he had proposed, was, the exigency of the case ; they were bound to provide the means for the dispatch of public business, and for the discharge of the Executive Authority ; they were also equally bound to two other objects, the care of the Royal Person of his Majesty, and the preservation of his dignity, which ought to be inseparable from him during his present indisposition.

With a view to both, but especially the latter of these points, the last Resolution went. On the first he would but lightly dwell, conceiving that all must agree to the care of his Majesty's Person being entrusted to the Queen ; he would not, he said, for a moment entertain an opinion, that to her guardianship there could exist the least objection ; he would not anticipate, because he did not believe the existence of a difference opinion on that subject ; he, therefore, thought it unnecessary and difficult to argue, as it appeared like arguing a proposition that was self-evident : for, under the character, under the virtues, and under the natural
feelings

feelings of that great and amiable Personage, he was confident, that there would hardly be a heart in the country, that while it deplored the fatal and melancholy necessity that existed, would not, at the same moment, feel a considerable degree of support and alleviation, in the remembrance, that under such guardianship, with so much propriety and safety, might be entrusted the care of their Sovereign. He would say no more on that subject, feeling it not respectful to the Committee, to argue on a propriety of conduct so self-evident, until he should hear, if it was possible to be heard, an argument against the propriety of delegating such a trust.

The next point of the Resolution he should have to offer, and on which he presumed they might differ, was with regard to the powers given to the Queen, to discharge such trust on the one hand, and, on the other, to maintain the dignity of his Majesty's person: The Committee were to remember, that while they were delegating part of the Executive Authority to be exercised in the King's name, that they were bound to provide for the safety of their King, that it might appear, that they had not forgot that he was still their Sovereign; and that the Representatives of a faithful and loyal people, ought not to endeavour to deprive his Majesty, in his present melancholy situation, of that dignity, which he enjoyed at the moment of health.

On that ground he submitted the principle on which he went, contending that it was necessarily inseparable from her Majesty, in the care to be entrusted to her, to have the whole direction of all about the person of the King; the Lord Steward, the Lord Chamberlain, and the Master of the Horse, could only be considered as the great leading parts of the several divisions of the Household; the only question then that could arise on the propriety of their being under the direction of the Queen were, whether the alteration of circumstances made it a fit thing, that any alteration should be made in the expence or duty of such officers, as would render it fit or decent for Parliament, in the present situation of his Majesty, which could be considered but temporary, and which all hoped might be short, to new-model his Household, and render it less suitable to his dignity? and whether the management of his Majesty's domestic affairs should still remain to be carried on, through the same hands as it had for some time been, or whether a new management was to be introduced during the present temporary interval?

The noble Lord opposite him, who could not help speaking with ingenuity, and who possessed much real information, but who, on a former day, had only displayed his ingenuity, and withheld his information, had told them of the ease with which those officers might be separated from the Household; but he had not told them how it was to be executed. He did not contend that

that it was impossible to be so. He would allow that means might be found to separate those officers from the Household; but he wished to ask this question, Whether it would be decent, at such a moment, whether it would become them, thus early, and with the well-grounded hopes of a recovery, to try the experiment, how far they might new model and limit his Majesty's Household? —He maintained, that it was not consistent with the affection of the people at such an anxious period, to be trying experiments, in order to introduce a new system. [Here a cry of *hear! hear!*] He hoped that the noble Lord, and those who so noticed his assertion, would attempt to prove to the Committee, in a manner at least as rational, consistent, and parliamentary, the contrary; but for what he asserted, he appealed not only to the feelings, but to the reason of the Committee. It was an appeal, which the more considered, would be found the more to deserve the attention of that House. He wished to ask, whether it was expedient to annihilate every appearance of external dignity; whether it was consistent with reason and sound policy, at the moment the Sovereign was incapacitated from exercising his authority, to separate all appearance of Sovereignty from him? When these questions should be considered, he could not see how it was possible to deny the propriety of allotting the direction of the Household to her Majesty; or to assert, that the preservation of the external dignity of the King was inconsistent with the duty of the people.

The general grounds on which they had heard it objected to was, that such power being entrusted to her Majesty, would form so large an influence, and so extensive a patronage, as to render it impossible that any Government should be carried on with effect. To that, however, he should reserve himself to speak, when he should hear it more fully explained. He would, nevertheless, speak shortly on the argument upon which this principle turned; it supposed that a degree of political influence would necessarily follow patronage. He admitted, that a degree of political influence, likely to be exercised, was an evil. He wished, however, to ask those Gentlemen, who contended against the power, that the proposed establishment might create, whether establishments had not been created, much more likely to have been exercised against the Executive Authority? When Gentlemen recollected, that such establishments had been formed, he did not take too much upon himself, when he contended, that what had not been denied to branches of the Royal Family, ought not to be denied to the Sovereign himself, while labouring under temporary illness; an argument that reverted to the propriety of continuing to his Majesty that establishment. If Gentlemen disagreed to such a continuance of his Majesty's Household, if they were less regardful of his Majesty's dignity at the present moment, than when in health,

health, it would be expected from them to shew their reasons, and state the danger of such patronage as would be obtained by the necessary powers, for a temporary, and, perhaps, a short interval. The argument of the danger of the patronage turned, he said, upon the supposition that those who were now in his Majesty's service, would be in opposition to another Administration. If that was offered as an argument against the Restrictions, he denied the truth of it. Suppose, for a moment, and for the sake of argument, that such a conduct was likely to be pursued.

A factious opposition, he was bold to say, they never would engage in; he wished not, however, that any man should rest on his assertion, or upon the assertion of any other man; it was public conduct that alone spoke to the people the conduct of public men; he then wished to ask whether, if they pursued the conduct of a desperate faction or cabal, it was likely that they should meet with support from the people, support equal to that which they had received while in Government; was it likely that such a faction should be supported by the authority of the country at large; would it not depend on the independent Members of that House, and on the people.

Whatever might be the patronage annexed to the powers proposed to be granted to her Majesty, he wished to ask, whether it was likely, that the patronage intrusted to such hands would be granted to enable a faction, to obstruct with its weight, the Government of the Regent? Was it likely, if so given, that it could make it predominant to the accumulated patronage of Government? or, was it likely, that the Queen would support a faction, by that means to oppose the wise and prudent measures of the Government of her son? Was it likely that his Majesty's Ministers, in the present calamitous and distracted state of affairs, forgetful of their duty to their country, forgetful of their duty to their Constitution, and forgetful of their duty to him whose dearest interest was the welfare of his empire, would neglect the interest of the people, to form a factious opposition, in order to obstruct the necessary measures of Government. Could it be supposed, that persons standing in such a situation, would factiously unite to the injury of a country, to the Government of which they might, on his Majesty's recovery, again be called, and the interest of which it appeared to be, and ever would be, their honour and ambition to advance. It was an idea he did not believe was felt, or imagined by any one, and on which he, therefore, would not dwell any longer.

He concluded by saying, that it was due to his Majesty from a loyal people, not to destroy that system his Majesty had adopted for the management of his Household:—that the Committee ought not to destroy the dignity due to his Majesty, and that the care of his Majesty, and the government of the Household, ought to be entrusted

entrusted to the Queen. The Chancellor handed the following motion to the Chairman.

“ That it is the opinion of this Committee, That the care of his Majesty’s Royal Person, during the continuance of his present illness, be committed to the Queen’s most excellent Majesty; and that her Majesty be enabled to exercise the power to remove, nominate, and appoint to his Majesty’s household, as they may see cause, disposing and making all other matters, relating to his Majesty, as she shall think proper; and that to enable her Majesty the better to execute this trust, a Council be appointed to advise her Majesty, with powers to examine, from time to time, the Physicians, touching his Majesty’s health.”

Lord Maitland rose with great animation, and said, called upon, as he had been, he could not avoid rising to say that if he had answered the Right Hon. Gentleman’s argument in any other way, than by the gesture or expression that he had betrayed, he should have forgot what was due to himself as a Member of that House. After some farther warmth, his Lordship said, he was ready to agree with every panygeric on the virtues of her Majesty; she was universally known to be eminently amiable and virtuous, and as such he admired her. On her amiable qualities, however, the question did not rest; the proposition for maintaining the dignity of his Majesty, he conceived to be particularly misplaced at the present; it was a dignity under his present unfortunate and mortifying circumstances, unfit to be bestowed, and could only beget contumely; it was a dignity that tended not to make his subjects look up to him with reverence, but to make them contemptuous scoffers.

If the House was not lost to every principle, it could not adopt the Resolution proposed. At the instigation of the Right Hon. Gentleman, the House had agreed, that in conjunction with the other House, they had a right to provide for the deficiency of the Executive Government, a Resolution that he had thought wrong; but it had passed, and the Prince was acknowledged as a proper person to fill the situation of Regent; the House considered, that he, who was interested in the preservation of the Empire, because he was to fill the throne in future, was of course the fittest person to be trusted with the Regency; they had also resolved, on a very good principle, that the Prince, being interested, should not be trusted with the care of the Royal Person of the Sovereign: if the Committee should agree to the present Resolution, they would give the lie to their principles.

That her Majesty should feel an interest, was natural. She had an interest as a wife; the Prince had an interest as a son. Her Majesty stood under the Resolution in a very different light. He would readily agree, that if her Majesty had no part of the
executive

executive power, she would be the fittest person to have the care of his Majesty; but, interested as she was proposed to be by the Resolution, she would be, in his opinion, more interested than the Prince, and possessing such power, be highly improper, and inadequate to such trust.

Novelty was a fascinating thing to the human mind, and the new possession of power might warp and prejudice the purest bosoms. Independent of that argument, he had, however, a special objection to her Majesty's being intrusted with the King's person, arising out of the Report on the table. They knew what must be her Majesty's anxiety; they all felt her anxious, her virtuous, and her dutiful wishes on the occasion; they felt, that that anxiety might lead her to a belief of a too favourable Report of the state of her Royal Consort's Health; and though such commendable anxiety might redound to her honour, and for which she might be most justly esteemed, it operated against her being solely intrusted with the care of the Sovereign; especially, when there were Princes of the Blood in the Country, the King's brother's. The Right Hon. Gentleman, on a former night, had spoke of the necessity of continuing about his Majesty, his usual attendants; that, however, would not be effected by the present Resolution; for it gave her Majesty the power not only to continue but to remove.

By the Resolution before the Committee, they were going to sever the executive power of the country, and give a great part of it to the Queen, without any responsibility; who was to be the person that was to be responsible? Were they to look to the Queen?—No! Were they to look to her Council of Advice?—No! For they were not a Council of Power. The Queen would be intrusted with a patronage of upwards of *eighty thousand pounds* yearly; such power, he conceived, would, in a great measure, take away, if not totally annihilate, all responsibility in the Regent's Ministers; it would be creating that monster, hitherto unknown to the Constitution, a fourth Estate in the realm; it would be exercising all that unbounded ambition, all that wish for patronage, all the unconstitutional attempts charged, but falsely charged, upon his Right Hon. Friend.

On the comparison of his Right Hon. Friend's India Bill, with the present proposition, he could dwell with pleasure, but not then; at a moment like the present, he conceived it improper to amuse the House with ridicule. If the Right Hon. Gentleman would shew him how the present motion would facilitate the King's recovery, he would willingly compliment the Right Hon. Gentleman with his vote; he believed that no such reason could be shewn, he believed no reason at all, like it, could be shewn. Perhaps there were some secret reasons, which those who

who knew the human heart, might guess, but no mortal could judge of.

The Right Hon. Gentleman might have once climbed into power, by a contemptible line of politics; and the Right Hon. Gentleman, he saw, had a plan, again to wound the constitution of his country, for which reason, he would not give him his vote. He had not, he said, the most sanguine hopes of his Majesty's recovery; he had examined the register of the principal hospital for the malady in the kingdom; and had found, that out of *one hundred and twenty-five*, received in the course of ten years, there had not more than one in four recovered.

When the welfare of his Sovereign, the Prince of Wales, and the House of Hanover, came in competition, it was not, he said, easy to assert, which weighed most with him. The Committee could not consent to the Resolution, without abandoning the principles of the Constitution. His Lordship concluded, by declaring, that notwithstanding the Right Hon. Gentleman's majorities, he was sure he would that day be defeated.

Mr. Sturt, conceiving that he was one of the persons who were included in the censure of the Chancellor of the Exchequer, for having raised the cry of *hear! hear!* against him, rose in his own justification to say, that it was the only way in which he could declare his disapprobation. He was no *orator*—no *Demosthenes*—and as he could not *quote Greek*, (*alluding to Lord Belgrave*) so was he incapable of making a speech on the subject. To a matter of fact, however, he could and would speak. An Address had been contrived to be got from the borough of Bridport, signed by one hundred and seventy names. This place he had the honour to represent, notwithstanding which circumstance, and his having been there lately, he had never heard of that Address, till it had arrived, ready signed, in London. He, therefore, should continue to express, in the best manner he could, his abhorrence of the Right Hon. Gentleman's clandestine manœuvres.

Mr. M. A. Taylor delivered some arguments on legal and constitutional grounds, against the Resolutions. He thought the celebrated India Bill, which had been so much scouted, by no means went the length of these measures. If there was, in that Bill, a new Estate created in the Constitution, it had responsibility attached to it—here there was none. Those who should have the care of his Majesty's person, he contended, ought to have no other interest whatever; the power proposed to be given, he considered as unknown to the Constitution, and as tending to cripple the new government, and fettering the Prince, who ought to lie under no restraint whatever. The invasion of the executive power was more palpable, and more dangerous in the present, than in the former case—for which, and several other reasons

sons that he assigned, he declared himself against all the Restrictions.

Sir John Swinburne made his first speech in Parliament against the Resolution. He thought, that in their consideration of the respect that they professed for the Queen, Gentlemen seemed to forget what was due to his Royal Highness the Prince of Wales. He entertained that proper respect for her Majesty, which every Member of that House, he trusted, did in common with himself; at the same time, he was not ready to allow, that it was proper to entrust her Majesty with the entire custody of the Royal Person, the controul of the household, and a patronage of not less than *three hundred thousand pounds* a year. He considered the present Resolution as improper; it tended to introduce a divided government, and such a government must necessarily be weak.

As a noble Lord, Sir John said, had quoted Greek, he would quote a few words of Latin, it was *imperium in imperio*, which was the character of the Regency as about to be established. They were going to take out of the hands of the executive power, the executive trust, and give part of it over to those hands, which were not responsible, to those who were completely abstracted from all share in the Government, who were never likely to enjoy such power on his Majesty's recovery from his present disorder, nor ever ought to be possessed of.

He called upon the Gentleman of the law to know, whether property did not always *descend*, and whether it was ever *ascendable*? He saw no good end the Resolution could obtain, on the contrary, it appeared to be calculated to promote anarchy.

Mr. Pulteney spoke at some length in vindication of the Resolution before the Committee. It was impossible that any evils could result from the patronage in question. The Lords of the Bedchamber should, in his opinion, be retained, as being the first likely to be called for by the Sovereign on his recovery; and in the House of Lords, it was impossible that their votes could have such an operation, as to interrupt the executive government. With respect to the other influence, which must accompany the payment of the money thus allotted, no inference could be drawn from this, unless it was asserted, that it would be in the power of a set of *butchers* and *bakers* to overturn a state. He had, on a former occasion, voted, that the influence of the Crown ought to be diminished; and he could not, therefore, consistently oppose any reduction it may sustain in this instance.

Sir James Swinburne spoke in explanation. He added, that the distribution of three hundred thousand pounds *per annum* must be accompanied with more effect, than the Hon. Gentleman, who spoke last, seemed willingly to allow.

Sir James Johnstone rose to propose a question; the answer to which, he said, might decide his vote on this occasion, and this was

was—Whether, in case of the Queen's demise, the same powers were to be continued to any other person; and if so, to whom were these powers to be confined?

The *Hon. Mr. Bouverie* expressed his dissent to that part of the Resolution, which gave her Majesty the controul over the household, and expressed his wish, that it may be omitted, or reserved for a distinct question.

Lord North observed, that the Resolution consisted of three questions perfectly distinct from each other. The custody of the King's person; the controul of the Household; and the establishment of a Council. These questions, so distinct, he hoped that Mr. Pitt would feel no reluctance to divide.

[On this subject a conversation took place across the table, when *Mr. Fox* pressed the necessity of dividing the Resolution; *Mr. Pitt* said, that it being his intention to move for the full powers, as incident to the custody of the King, any alteration would come better in the shape of an amendment, from the other side!—It ended with *Mr. Bouverie's* persisting to move for the omission of the *second* part of the Resolution.]

Mr. Grey then began a speech of much force, by remarking on the disorders which were inseparable from such a division of government. The safety of the King's Right was made the ostensible plea for every measure now introduced, however hostile to their feelings—however it may militate against the duty which they owed to their country. But when the business came to be considered, it would be found, that the Limitations proposed for this purpose, were absurd and ridiculous in the extreme!—An *Hon. Gentleman*, (*Mr. Powys*) had very properly observed, how idle such Restrictions must prove, if seriously considered, to a person who had, at the same time, the army and navy at command!

The powers vested, on such an occasion, should certainly be equal to the necessity; but in the present instance, the want of permanency was, in itself, a want of strength! The Restriction, therefore, respecting the Peerage, was unnecessary, and spoke in the plainest language the existence of that conspiracy which had been so often mentioned from the other side of the House. If his Majesty had the power of creating Peers, to counteract a confederacy or cabal in the House of Lords against his government, the same necessity might exist on the part of the Regent. The marks of dignity, which were proposed to be kept up for his Majesty, he conceived to have been provided for the discharge of the King's offices, not for the gratification of an individual, but as part of the Regal State, and would, consequently, belong to the Regent, who would be the first Magistrate. They had deemed it necessary to dwell, with particular EMPHASIS, on the name of *influence*, and the impropriety of introducing it into
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hat House: but every person, who had watched the changes of our Constitution, could not but know, that the mild dominion of influence had, for many years, superseded the harsher dominion of the prerogative.

After a retrospective view of the fourth Estate, supposed to have been created by Mr. Fox's India Bill, and exposing, with much success, those aggravations which nugatory dullness would have affixed to that measure, Mr. Grey passed on to a description of the present situation of her Majesty, on whose character he disanted in terms of the warmest eulogy. She, however, he observed, had gained her chief praise from having never joined in any political cabal. He hoped that this might be the case in the present instance. He distrusted much the council of *advice*, as it was termed; and declared his dislike to the present Resolution, if on no other grounds but one, namely, that it vested a power where it was not possible, by any act of theirs, to attach a responsibility!

Mr. Dundas attempted, at some length, to vindicate the propriety of the Resolution. He said, that the Right Hon. Gentleman (Mr. Fox) had been too frequently guilty of acts of imprudence, for the House to suppose, that he would have asserted the Right of the Prince of Wales to assume the government, if he thought the superstructure, which he was to raise, could have been placed on any other foundation. A noble Lord (North) had given also a strong vindication of the Resolution, in pronouncing it the natural offspring of the preliminary Resolutions which had passed that House. Mr. Dundas had little, in the remaining part of his speech, to entitle him to a particular Report, except in one part, where he said, he would not let the power out of *his* hands, meaning, he explained, the hands of Parliament!—And in another instance, where he contended, that the Prince would have the full influence over every part of the household, through the intervention of the Council, and by means of his Mother.

Lord North replied, that his *learned* Friend, who had spoken last, had totally mistaken his meaning, if he supposed him to have said, that the present Resolutions were the natural offspring of the former. He had, on the contrary, said emphatically, that these were the *unnatural* offspring; and had expressed his surprise, that a bad precedent should so soon be followed by that which would have been an abuse of the worst. His Lordship said, they had heard, from the beginning, that the Resolutions were of a temporary nature, and that it was but for a little time, that they were to provide for the defect of the personal exercise of the Royal Authority. Thus, as it was but for a little time, they were expected to sacrifice the Constitution, and persuaded to do without it for a few months, and withhold the necessary powers

ers from the Regent! But the Right Hon. Gentleman had said he would have the powers that were necessary, and had asked could a black or a white stick be necessary. The duty of the Regent would be to govern a large empire, and every power the Crown found necessary to the discharge of that important duty, the Regent ought to have. Had the Right Hon. Gentleman any rule to judge by, of what was necessary for a King, other than what was necessary for a Regent to enjoy.—It had been stated, he observed, as if this phalanx, to be preserved, in the House of Lords, might prevent another India Bill, if any effort were made for the introduction of such a measure; but this, he observed, was a kind of posthumous remedy, like that of giving *physic* to a *dead* man! The Bill of the Right Hon. Gentleman (Mr. Pitt) had accomplished all the purposes of the former, which had been so much reprobated; or if any thing had been left undone, it was fully perfected by the Declaratory Act, which had passed in a succeeding session.

The precautions which had been held forth so studiously on this business, his Lordship regarded as springing not from real, but affected fear. The King, on his ascertained recovery, no doubt might easily resume his power. In the present situation of things, it was not a Regent merely—it was not a King of *twenty* years standing, that could resist a solemn decree of the Legislature.—It was somewhat singular, in the terms which had been used, that the House had been called to *leave* those powers in the hands of the Queen, when it was, in every respect, a *removal*—and again, that they were called to yield, for a *little* time, by those men who, by refusing to fix any term, seemed to will the time as *indefinite* as possible.

The Hon. Gentleman had said, would they introduce a new system into his Majesty's household? If they gave the patronage of the household to the Queen, and withheld it from the Regent, that would be to introduce a new system, and separate the patronage of the Crown from the Kingly office. But the Hon. Gentleman had said, his Majesty's mind would be uneasy, when, upon his recovery, he should find his household changed. Was it reasonable to say, that during his Majesty's incapacity, the offices of the household were disposed of, not to his wish, but according to the ideas of the Prince, that his Majesty would be uneasy. Could it be supposed, that when he could alter it back again, that he would be uneasy. With regard to the state of officers, as his Hon. Friend behind him had said, they were useful only for political purposes. Why then ought they not to be employed in political services? The Hon. Gentleman had voted on the motion some years since, "that the influence of the Crown had increased, was increased, and ought to be diminished."—

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He had opposed it, and so had his Hon. and learned Friend, and yet his Hon. Friend now wanted to diminish it a little more.

The power of making Peers, and the patronage of the household, were necessary to the Crown as the fountain of honour, and they were equally necessary to the Regent. It was said, would it do the Regent any harm to be without those powers for a little while? In answer to this, he asked, would it do the public any harm to be with them for a little while? the whole turned on *a little while*. How did the Hon. Gentleman know the advantage, the holding of those powers might be of to the government of the Regent, in the interim? If his Majesty's recovery should be protracted, then it was said, the restrictions would die away. Would they die away because Parliament might abolish them?

His Lordship complained of the Motion as complicated and embarrassing. It consisted of three distinct Propositions. First, it stated, that the person of the King should be entrusted to her Majesty. There he said, he agreed with the Hon. Gentleman, and, he believed, the House would agree with him. The next Proposition was, that her Majesty was to dispose of the offices of the household, a patronage consisting of about *four hundred* places in number! The third Proposition proposed, that her Majesty should have a Council of Advice. The first and last Propositions might, in his mind, be well supported, although they had not yet been sustained by any good argument. His Lordship concluded with declaring, that he should give his vote for the Amendment.

Sir Gregory Page Turner spoke of the extreme importance and the extreme delicacy of the subject, when the character of the Prince of Wales, on the one hand, and the character of the Queen, on the other, were brought forward. He said, he knew not how to give his vote in that House, without disputing the merits of either one or the other. He admired the virtues of them both, but he came there as a Member of Parliament, to do his duty upon public principles. He must, that night, vote differently from the Right Hon. Gentleman at the head of the Exchequer, to whom, on a former occasion, he had been proud to pay just compliments and encomiums, and those not only to his talents but to his integrity. He respected those talents and that integrity, but the Question was, whether the Prince of Wales was to be appointed Regent or no Regent! There must, he said, be an Administration in the country, but he should contend, that if the King's household was put under the management of the Queen, there would be a double household and a double Administration; and a double Administration could have no power equal to the carrying on of a vigorous Government.

The Right Hon. Gentleman might just as well have said, that the Prince of Wales had no right to bring in his political friends, as that he had no right to the Patronage of the household. But it was said, when his Majesty should recover, his Majesty would be uneasy at seeing new faces around him. He could not but be of a different opinion; his Majesty had been pretty much used to new faces. He said, he alluded to the frequent changes of Administration that had taken place, and he believed, among the rest, the Lord Chamberlain and the Lords of the Bed-chamber had been more than once changed. He could not, therefore agree with the Right Hon. Gentleman in giving his vote for the Resolution as originally moved.

Whatever his abilities were, Sir Gregory said, his property rendered him independent, and he always delivered his sincere sentiments according to his conscientious opinion. On those principles he came into that House originally, and he was determined to preserve them, as he had done hitherto. The Restriction preventing the Regent from making peers, he said, had prevented the Prince from making Members of the other House of Parliament, though it had permitted him to take away most of their Members. Sir Gregory contended, that such Commoners as deserved well of their country, had a right to look up to the honours of the Peerage, the conferring of which was no expence to the country. He declared, he would submit such farther observations as he had to offer upon the subject, when he should have an opportunity of doing so in the House in a future stage of the business.

The *Solicitor General* (Sir John Scott) began with expressing his satisfaction, that he had not pressed himself upon the Chairman, when he had risen with the Hon. Baronet, who spoke last, as he had thereby avoided depriving the House of the opportunity of hearing a speech, that had he believed entertained all who heard it, and afforded pleasure unexpectedly to some. Sir John said, he would comprize what he had to say upon the Resolution in as small a compass as possible. The arguments they had heard that day appeared to him to be of a species, which could hardly have been expected to have been stated in an assembly representing Englishmen, distinguished for their humanity, distinguished for their loyalty, distinguished for their respect and reverence for their Sovereign and his Comfort. They might, in that House, use what arguments they thought proper, but the country would not bear to be told, that having resolved that it was not only their Right to provide for the personal exercise of the Royal Authority, during his Majesty's unfortunate incapacity, but that it was their duty also; that they had exercised the Right with a conviction on their own minds, that they had done their duty, if they once forgot that they had a King upon the Throne, and that

that being there, his personal capacity, and his political capacity, remained whole and entire. What were the arguments that had been made use of that night? Gentlemen seemed to have forgot that they were to make a choice of evils, and that it was their duty, in such a case, to prefer that which appeared to be the least evil.

When Gentlemen told him, that by withholding the patronage of the Royal household, they should be guilty of a breach of the Constitution, let them say how he was to discharge his allegiance to the Sovereign on the Throne, without taking care that his resumption of his Royal Authority should be rendered as little difficult, when he should have recovered his health, as possible? Sir John said, he did not speak with indelicacy towards the Regent, if he shewed that jealousy belonging to his character as a Member of Parliament, which it was his duty to shew, respecting the other House of Parliament, and respecting the executive Government of the country. They were not acting upon personal confidence, but upon public principles. But let them see what the Regent could do, and what he could not do. Suppose that his Majesty's should continue ill six or twelve months. Suppose the King should recover at the end of the twelvemonth, and the Bill should expire in the fortnight next after the end of the twelvemonth. In that case, suppose an adviser, out of that House, were to get hold of the Regent and tell him, "though you have submitted to these Restrictions, and Limitations for a twelvemonth, yet believe me, you have an inherent Right to the exercise of the Royal Authority, do not submit to the Restrictions you have had imposed upon you, any more." Sir John declared, he did not say that any person would be so bold as to advise him in any way, but the case was a possible one, and it was Parliamentary to state the hypothesis, and provide against the danger of such a circumstance. It had been asked by an Hon. Baronet, what would be the case if the Queen should suffer a demise? In answer to that he asked, what would be the case if the Regent should suffer a demise? They would come down to that House and provide a successor. In the present exigency of affairs how were they to do their duty to their country? They were to do it, by recollecting, that his Majesty's political character was entire, and if Gentlemen were to act equal to that integrity, they would vote the present Proposition. The King on the Throne had been beloved by his subjects. It had pleased God to afflict him with a grievous calamity. In consequence of that calamity, it became necessary for that House to provide a person to exercise that part of the Royal Authority, which his Majesty, from his infirmity, could not exercise himself. His infirmity, however, was not likely to last long, and they were, therefore, to consider what they had to provide, as a mere temporary

porary measure, not a permanent one. Perhaps his Majesty might be well in three months, the people, therefore, had a right to expect, that the House of Commons would do its duty, and not forget the respect due to that Sovereign, whom they all loved. How was the sense of the people of England to be collected on the subject? Perhaps, if a Right Hon. Gentleman was asked, he might adopt his first opinion, and say, "the sense of the people was spoken by their Representatives in that House;" or he might take up his second opinion, and say, "the sense of the people can only be known from the people of England at large;" or he might go back again to his old doctrine, and say, "the sense of the people of England can only be collected in the House of Commons." But let the sense of the people be taken at their Bar, or in any other way, the language they would undoubtedly hold would be, "What, could you not do your duty for three short months? Were you so hasty to dethrone the King, your lawful Sovereign, to whom you have all sworn allegiance, that you treated him with the grossest disrespect, and stripped him of every mark of regal dignity and distinction, after he had been ill no longer than a month?" What would the people say, when they heard, that it was refused to the Monarch by that set of men, who said it was the public wish, that they should be the Ministers of the Regent; although that wish had been circulated in whispers, so low, indeed, that every person had not heard it? Was it possible, Sir John asked, that those Gentlemen could seriously argue, that the Regent, with the army, the navy, the church, and all the officers of the public revenue at his command, could not carry on a vigorous and effectual government. He said, it was not parliamentary to state, that the influence, arising from the patronage of places, was absolutely necessary to the carrying on of Government; but where was the integrity of that House, if such arguments were used? Was there no man who would act from the impulse of an higher feeling, from a sense of duty, and from what they owed to their character and to their country? If the Proposition was a bad one, he hoped they should hear that which would be a good one. He asked, if his Majesty was not alive, and afflicted with a severe malady, and whether that circumstance was not a reason for giving him additional attendance, rather than taking that away which he had before his illness. The noble Lord, he observed, had said, that as soon as his Majesty recovered, and restored himself to the Throne, the Regent would retire, and leave him in the undisturbed possession of the Government. It was the duty of that House to take care that his Majesty should be enabled so to do, but they were not to leave it to chance, whether his Majesty might have it in his power to do so or not. But it was said, that the Proposition gave all the household, in its

its present situation, to the Queen, and that it would be so much influence thrown into the hands of Opposition. It was, he said, a gross and indecent reflection on the high and exalted character alluded to, to suppose that she would employ her power for the purpose of opposing the Government of her son, the Regent. Sir John dwelt on this point, and, after declaring, that no Proposition could be suggested, that was not clogged with some evil or other, that of two evils he had chosen the least, and that, in his honour and his conscience, he thought the plan the Proposition contained, the best, most safe, most expedient, and most politic, that could be adopted, all the circumstances of the case considered.

Mr. Fox rose, and combated the Restrictions in a most masterly manner. Perhaps, he said, he might be partial to the talents of those with whom he associated, and peculiarly so, when they were persons whom he could not but love and esteem; yet he did not think it fair, he did not think it honourable, he did not think it candid, to introduce into a debate any comparison between the abilities of the respective parties. From the difference, however, which he flattered himself, could not but have been obvious during the discussion; he had not felt one moment of mortification from the pressure of those abilities, the weight of which he frequently dreaded, for he never had met with so little talent, so little argument from people with whom he had to contend, and perhaps never less than that which had fallen from the Right Hon. and learned Gentleman who spoke last.

Personal encomiums had been suffered to mix with public measures; but he would not make the panegyric of the Prince of Wales the ground of his argument, nor would he ever listen to the praise of the Queen, or of his Majesty. Let us not, said *Mr. Fox*, speak of *the King*, but of *a King*; let us not speak of *the Prince of Wales*, but of *a Prince of Wales*; let us not speak of *the Queen*, but of *a Queen* consort! He well knew that human beings had been deified, before a true and more rational religion was revealed; but it was done with the moral view of enforcing obedience to power, and making mankind happy. He well knew, that there were characters in this country, to which he affected not to lay claim, who were called sometimes High Churchmen, and sometimes Tories, sometimes by one name, and sometimes by another, who had endeavoured to render Majesty divine, in order to give vigour to authority. But what did we now? We adopted the superstition of religion, and rejected its morality, which tended not to support Government, but to enfeeble the arm of power.

The Right Hon. and learned Gentleman had talked of his allegiance to the King, an allegiance which was affected to belong to an object unable to protect him, and which, in the present situ-

ation of affairs, therefore he could not feel. Allegiance, Mr. Fox conceived, to be the reciprocal act which we naturally pay to the monarch that affords us protection. That protection the Throne was now incapable of affording. If such was the truth, was not the whole of the Bill founded on hypocrisy and fraud? It was asserted, nay insisted on, some time past, by the Right Hon. the Chancellor of the Exchequer, that there was not only the probability of a cure, but of a speedy cure, and that eighteen months was the fullest extent of the time to be limited for the King's recovery. If Gentlemen looked forward to that distant period, it would be found more dangerous than useful to restrict the Prince's power of granting Peerages. If he was not mistaken, which he could not suppose to be the case, as he spoke on undoubted authority, the Right Hon. Gentleman had placed forty-two Members in the House of Lords since his accession into office. "Are you afraid," says he, "that there is a confederacy in the House of Peers? They have too much attachment to the Crown to form a confederacy against the Regent." Allowing the justice of this argument, what evil could arise from their giving the Regent the same power which the Right Hon. Gentleman had himself so repeatedly exercised? Not only, said Mr. Fox, is the privilege of making Peers denied, but the disposal of the Household officers is to be placed in the hands of the Queen, lest the King should, on his recovery, behold a change in the faces of his political servants. This strong attachment to the Crown, may, however, be productive of the most mischievous consequences.

The Right Hon. Gentleman exclaims, who can imagine that a Queen could combine against her son? when, at the same time, he asserts, that Heirs Apparent have joined against the interest of the Crown. If such facts occur in political history, why may not a mother be equally supposed to combine against her son? Have not other Queens been biased by bad advisers, and was our Queen less likely to be thus influenced? Mr. Fox said, he knew enough of the human heart, to be convinced, that a competition for power breaks and dissolves all the dearest ties of nature, kindred, tenderness, and affection! The Right Hon. Gentleman had asked, whether it could be supposed, that when he quitted his present office, he would head a factious opposition? That question he was not obliged to determine, and did not think it proper to discuss. Opposition might be in earnest, but not factious. He had spent the greatest part of his life in opposition, and though he was likely to leave it for a time, he could not help feeling some hankering after opposition still. That love of former habits might, perhaps, arise from the probability of his being sooner or later obliged to return to opposition again; but from whatever cause it originated, that love, that hankering remained,

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Let the Right Hon. Gentleman head an opposition, but let him not use unfair arms, or contrive any secret machinations. If any diminution of Royal power be necessary, it is that of the Crown, not that of the Regent; for the government of a Regent, being naturally weaker than the government of a King, ought to be strengthened by every constitutional prerogative. If this country should be afflicted with the loss of the King, let us then watch the Regent, and not grant him one atom of power beyond what is strictly necessary. The Right Hon. Gentleman having divested the Regent of his just prerogatives, says, do you wish for the Government of the country for the purpose of giving away places, and offices, and emoluments? My answer, continued Mr. Fox, is, that I would not accept the Government, without enjoying those powers, and that patronage which are given me by the Constitution. As for accepting such an office, for the mere sake of emoluments, according to the low idea annexed to the word, it is what I disdain. And the Hon. Gentleman well knows, that if I sought an high office, merely on a principle of avarice, I must be the most ignorant of mankind.

But, perhaps, we are the first men who ever ventured to confer all the share of responsibility on one set of persons, and all the power on another. However, I may offend the Hon. Gentleman behind me [Mr. Pulteney], who has always honoured me with his esteem, notwithstanding the difference in our political opinions; I must repeat it, that I would not accept the administration of affairs, unaccompanied by all the patronage, all the emoluments of the office, which are annexed to it by the Constitution. Mr. Fox then asked, if the Right Hon. Gentleman over against him had not been said to have done service to the country; that he served his country on the Continent, he admitted; but could he have done it without the use of that patronage, and those emoluments now to be withheld from the Government of the Regent?

Mr. Fox ridiculed the Lords of the Bedchamber, and called them that Prætorian guard of Household troops, who, though they had fought bravely under the banners of the Right Hon. Gentleman, might, if placed in opposition, prove factious and unsteady, and unable to endure the unproductive fatigues of an opposition campaign, might run over to the enemy. They were troops which the Right Hon. Gentleman employed only on occasions of danger. But let it be remembered, that those servants of the Crown might destroy the Crown.

Mr. Fox adverted to the indecent custom of attacking persons, instead of attending to things, and ironically spoke, of the crooked policy of the Duke of Portland, the factious spirit of Earl Fitzwilliam, the deep insidious policy of the noble Lord near him in the blue ribband, and, above all, the desperate wickedness of
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Lord John Cavendish! Mr. Fox, then adverting to what he had formerly said on the subject of placing the Restrictions on the Regent, illustrated his meaning, by putting the following case. A. and his friends in the opposition, have a personal objection to B. the Minister, whom A. was advised, in as constitutional a manner as possible, to endeavour to remove. No, says A, I will remove him in a more effectual manner. What then will they do? They will cripple the executive power of the Government, and destroy the essential principles of the Constitution. The Prince is deprived of many of his powers, in order to give the Government energy and effect, and to gratify the King with a sight of his favourite Household troops, when he returns to a state of health. But will any person say, that the Lords of the Bed-chamber would be certain to remain in office till his Majesty's recovery?—Is not the Queen as likely to change them as the Regent?

The present Bill had been compared to the East-India Bill. But the Right Hon. Gentleman says, the present Bill is temporary: Was the India Bill a perpetual one? The India Bill took nothing from the Crown, and gave nothing to the Crown. It took power out of the hands of one set of subjects, and placed it in the hands of another. It annihilated the power of the Directors of the East India Company, and gave it to a Board of Commissioners appointed by Parliament.

Mr. Fox alluded to what Sir John Scott had said with respect to the three different methods of collecting the sense of the people. He had been asked whether he would adhere to the first method, or to the second, or to the third? He would adhere to them all, as occasion might require. That House was, generally speaking, the organ of the sense of the people, but it was not always a perfect organ of that sense. It was, however, a better organ of the sense of the people, than the assertion of the Right Hon. Gentleman.

The whole ground of the Restrictions of the Regency, was that of the probability of his Majesty's recovery. He would not canvas that probability, but, he must say, that the House went on most dangerous grounds, when it changed the Royal Office rather than the Royal Person. The uncertainty of physic was allowed, by the first of the profession, as an uncertainty greater than that of any other science. Let the Right Hon. Gentleman confess with him, that the measures on the occasion should be proportioned to the necessity of the case. To the period, said Mr. Fox, at which you conceive his Majesty, if capable of being cured, is likely to recover, limit the Restrictions, but do not limit the Bill. The natural consequence, in the time of Charles II. of the two Houses legislating without the King, was, that they impaired the power of the Crown, and ultimately ruined the Constitution, which had

had not been their intention. Why do we now attack the power of the Crown? Not for the generous purpose of diminishing its influence in favour of the people, but for the super-abundant love of the King, and from a wish to secure his restoration. But how shall we secure it? By mistrusting the Regent, and placing an implicit power in Parliament? They had better distrust Parliament than the Prince of Wales, because the Prince had the greatest interest in the Crown, which must devolve to him after the death of his father.

It was said, will you suspect the power of giving away a few places can influence the Queen? I do not suspect it of influencing the Queen, but a Queen. I will suspect that the Queen is as capable of loving power, as the Prince of Wales was of wishing to preserve it, and that she may be influenced by her advisers. Mr. Fox approved the idea of committing his Majesty's person into the hands of the Queen, but lamented the circumstance of her having so much power placed in her hands, as that of disposing of the Offices of the Household. He mentioned what was to be done in case of a demise happening to the Queen or the Prince of Wales, and said, that if an attempt were made to set up a principle of competition between the Prince of Wales and the Duke of York, though it would be as easy to pluck the planets from their spheres,—yet, were such a thing effected, a faction would be created, which might prove the ruin of the country. The question respecting the Household was plainly this: should a King have a pageantry, which he could not enjoy, to the detriment of the prerogatives of the Regent, and the principles of the constitution? France was said to be in a state of imbecility. Perhaps she was; but was it any argument, that because she was in a state of imbecility, we were to make ourselves a match for her in weakness? Misery melts the heart, and takes away the stings of resentment. When we were in a state of imbecility and misery, we might say to our neighbours on the other side of the water, let us be lookers on, and see what confusion and animosities pass on the Continent, without ourselves venturing to interfere.

A Right Hon. Gentleman had talked of a weak Government preventing mischief. It was known, that among the generous and liberal-minded, the female sex was stronger than the male. Perhaps, when the Right Hon. Gentleman commended the efficiency of a weak Government, he was actuated by the same motive of chivalry.

Mr. Fox said, he had understood that a provision was intended to be made for the Prince of Wales.

It might, perhaps, be a matter of delicacy to state the opinion of his Royal Highness, but he knew it to be the sentiments of his Royal Highness, that it would be highly irksome to him, to add any burthen

to the country in its present melancholy and calamitous situation, for the purpose of encreasing the state and dignity of his rank as Regent.

After this declaration Mr. Fox said, if any expence were unavoidable, in his mind, it ought to be defrayed out of the Civil List. Before he sat down, amongst various other pointed arguments, remarks and declarations, he asserted, that he should consider his duty to his constituents as of the first importance, and prefer his duty in that House as a member of Parliament, to that of being a servant to the Crown. He should therefore be ready to oppose any inordinate power in the Regent, as much as he used to do in the Crown; and he hoped and trusted the House would not give its authority to a measure, which tended to break all the strings of Government, and to violate the Constitution.

Mr. Wilberforce professed, that he had great personal friendship for his Right Hon. Friend, (Mr. Pitt) but great as was that personal esteem, he would not sacrifice his understanding if he was not convinced that he was right. In his mind, what his Right Hon. Friend had proposed was so fair and equitable, that the difficulties started by his adversaries, though supported by the subtlety of reasoning, should never affect or shake his sentiments. Much had been advanced in favour of the virtues of a Prince incapable of acting dishonourably, but yet he said a Prince may be so powerful, and so ill inclined, that, if placed in the situation of the Prince of Wales, he may, from his powers and intrigues, prevent a King from re-assuming his throne when his mental faculties may be completely restored. Mr. Wilberforce here entered into a panegyric on the merits and abilities of the Solicitor General, and defended him against any aspersions that may be cast on his professional talents or constitutional knowledge. He alluded to the argument which had been dropped, which intimated the absurdity of preserving all the pomp of regal greatness, during the Sovereign's present lamentable calamity; it was not, he said, legal metaphysics, to pronounce, that if you weaken the consequence, or destroy the splendor of the King, you take away that which keeps the vulgar in awe, and deprive him of those essentials which never should be separated from royal dignity.

He asked the Right Hon. Gentleman (Mr. Fox) if he found any opposition from the Lords of the Bedchamber, when the people were unanimous in their execration of the East-India bill? From their conduct on that occasion, he should learn to treat them with more respect than he had in the course of the debate. He was of opinion, that the doctrines which that Gentleman may have imbibed, either of a religious or political nature, during his recent attention to both in foreign countries, were subjects by no means congenial to a British Parliament. A good government, he observed, may be injured by the bad advice and
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bad example of bad Ministers. He alluded to the expressions which fell from Mr. Sheridan on a former night, respecting the Lords of the Bedchamber; that Gentleman, says he, drew a pathetic picture of the situation of the King, supposing him so well recovered, as to be capable of fulfilling the high functions of the executive power, and capable of seeing the wonderful alterations made about his person; but he never hinted what those feelings of the King must be, when he found that he was no longer to wear the crown on his own head. He called on the loyalty, the good sense, and the respect they owed the character of a good and gracious Sovereign, to resist every effort made to deprive him of the care of those to whom he was attached, as well as to mutilate and curtail his dignity.

Mr. Drake preferred an implicit to a systematic confidence; he loved and esteemed the Hon. Gentleman who preceded him, and felt as much as any man for the unhappy, the melancholy, and the lamentable situation of the King. He rejoiced in his own sorrow, and wept over the afflictions of his Sovereign. He had no doubt, he said, but the two mighty combatants, who had shewn such pungent hostilities towards each other, would, instead of being at political variance together, act hereafter in political co-operation, in political conjunction, for the good of their country. He must be permitted to say, if he had not a great share of confidence, he must have a large share of suspicion, when he saw a kind of *entanglement* he did not like, in the restrictions of the Regent. And without any reference to the Constitution, he would declare, although it may displease both sides of the House, that he had an attachment and loyalty to enforce that attachment; to the munificent character of the Prince of Wales, as well as to the Queen and every branch of the royal family.

The *Chancellor of the Exchequer* thought it unnecessary, to state any thing further in support of the propositions before the House, after the able manner in which they had been supported by his honourable friends.

There were two points, however, on which he would with permission, and for the gratification of the Right Hon. Gentleman who called on him, beg leave to speak a few words. He had been asked, when were these restrictions to be done away? He thought it extremely difficult to ascertain the precise time. If, unhappily, his Majesty's illness should be protracted, and there appeared sufficient reasons to think him incurable, then that moment he thought the restrictions should be immediately done away.

As to his real and personal estates, those, he understood, were subjects that need no answer. With regard to the household, that ought not to continue in the shape now proposed, if there should

should be the melancholy confirmation of the continuance of his Majesty's malady ; and not even then to be totally done away, but to be contracted and revised according to what may be deemed most expedient ; but with the prospect now before us, he could not conceive that the House, with any degree of justice or decency, could refuse the plan proposed.

Another point he wished to speak to, was that respecting the time when any provision should be made for giving an additional establishment to the Prince of Wales. A Right Hon. Gentleman (Mr. Fox) has already told you, it would be highly irksome to his Royal Highness, to have the country put to an additional expence, for the purpose of adding to his establishment ; this, says he, is a sentiment worthy the nobleness of his nature, he must inherit it from his illustrious father ; the merit, he observed, must be totally his own, it was an hereditary virtue, from which the country should draw the most pleasing inference. But whatever may be his Royal Highness' wish to avoid additional expence, in consequence of his high character as Regent, he conceived it was not *unnatural* on the part of the Prince, nor was the medium through which the House had been informed, to be questioned. From his royal parents the Prince inherited such virtues ; but desirous as his Highness may be, of abridging the expence of his dignity as Regent, he was convinced, that looking to the situation of the acting executive government, the spirit and resources of the country, which, on former occasions, had kept pace with the exigence and necessity of the times, would, in this instance, see it indispensably necessary to preserve that dignity, which is as inseparable from the situation of the Sovereign, as it is from the office of the Regent ; and the duty he owed the public, the gratitude their partiality had inspired, compelled him to declare, that whether *in* or *out* of office, he should lay in his claim to bring forward, at a seasonable period, those propositions for supporting the dignity which he had previously stated to the House, as essential to the political consequence and distinguished character of Regent of this great and flourishing empire.

Whatever may be his situation hereafter, he was now willing to avow, that the same principles which actuated him in office, should direct his conduct when out. Nothing should ever deter him from doing his duty. He had, during his continuance in office, in order to retrieve the sinking finances of the nation, to strengthen its resources, and to discharge its national debt, been under the painful necessity of laying heavy burthens on the people ; and he was witness of the patriotic patience of the country. It was his firm belief, and it was a belief founded on experience, that if it be necessary to make a provision for the Regent, the people would be the first cheerfully to offer their assistance. He
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thought the amount of the household, would come near the establishment necessary for the Regent.

Mr. Sheridan ridiculed the modesty of the Right Hon. Gentleman, who was so lavish in his praises of the extraordinary ability displayed on his own side of the question, when it was well known, whatever trifling degree of ability was displayed on that side, rested with the Gentleman *himself*. He had risen, he observed, to give an answer to a question, which had been asked for the information of the House, but he had involved it in such a pomp of phrase, and in such a cloud of unexpected panegyric on himself and the Prince of Wales, that the House was just as much enlightened as it was before the Right Hon. Gentleman had condescended to speak. He was astonished at the trick he attempted to impose on the House; he had been asked what time are the restrictions to be limited to; he replies, the period of the limitation is to be deferred till his Majesty is pronounced in an incurable state. Who, he would ask, were to ascertain that incurable state, was it the physicians?—Yes. But who is to give them liberty to pronounce it? The Right Hon. Gentleman can, if he pleases, answer the House that question. At the best, no such point of time can now be ascertained; then how can any man dare to offer such language to the House. The Gentleman has risen to give an *explanation of his own explanation*, and still we remain as uninformed as ever. If his Majesty shews no symptoms of convalescence in twelve months, will the restrictions of the Regent be withdrawn? But it is fruitless to ask for an answer to any plain question from the Right Hon. Gentleman; he has been repeatedly asked, who are the persons to compose the Queen's council; but he evaded this question, to pass an eulogy on himself, and to boast of his popularity. He says, he has acquired his popularity, by laying heavy burthens on the people, and declares himself not averse to do so again. He will voluntarily join in oppressing the country, to increase the establishment of a Regent who disdains his assistance, and has honourably superceded the Right Hon. Gentleman's intention, by declaring it would be extremely irksome to him, to have the people suffer the least inconvenience, in contributing to the support of his dignity in the regal character.

The *Chancellor of the Exchequer* could not presume to say, at what period the restrictions could be, with propriety, taken off the Regent. He had, from the beginning, supposed that the Regency was only for a temporary interval. As to the council, he was obliged to the Hon. Gentleman, for having reminded him of that subject, as it was a lapse of memory, and not his intention, that occasioned him not to have mentioned it before. The powers of the council were stated in the resolution, but who the council were to be, was a subject, he conceived, improper to

to be discussed at that period. He thought the most natural way, was to select several noble characters who are at present included in the household. He would also wish, that high and exalted legal characters, together with certain high and venerable prelates, should also be added, for the purpose of adding dignity and gravity to the council, and convincing the people that nothing was more desirable, in the House, than to have the Sovereign properly, carefully, and wisely attended.

Mr. Frederick Montague rose to speak, but the House was so clamorous in calling for the question, that the strangers were ordered to withdraw.

A division then took place on the amendment.

Ayes	_____	165
Noes	_____	229
Majority	_____	64

Lord North then moved, that the restrictions on the Regent should only continue for a limited time.

On the division there appeared

For the motion	_____	164
Against it	_____	220
Majority	— —	56

The House being resumed, it was moved

That these Resolutions be *now* read.

Mr. Rolle immediately rose and said, that he gave his consent to appointing the Prince of Wales Regent, only upon the ground that he was not married to Mrs. Fitzherbert, either in law or in equity.

Sir F. Basset called him to order, and said, that no man ought to use such language, unless he was prepared to bring forward some specific proposition.

Mr. Rolle appealed to the Chair, whether he was disorderly, repeating his former words. He added, that having heard from a Right Hon. Gentleman, on a former occasion, an explicit disavowal of any such marriage, though he had since heard and read, that the disavowal was not warranted, he, nevertheless, so far trusted to the Right Hon. Gentleman's declaration, as to agree to make the Prince Regent. He meant, however, when the bill was brought in, to move several clauses upon that point, which no threats or opposition should induce him to decline doing. [*Lord North reflecting upon Mr. Rolle for what he had said*] He declared, that he alluded not to anonymous publications, but to a pamphlet with a name to it at full length.

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Lord North replied, that an assertion, at the very beginning of that pamphlet, was sufficient to discredit it; for the Author, who was a very ingenious Gentleman, set out with declaring, that the Marriage Act *was no law*; and if assertions of that sort, stating an Act passed by King, Lords, and Commons, to be no law, was to be believed, we were in a state of nature, and there was an end of all government.

Mr. Pulteney proposed some words to limit both the Restrictions, and the whole power of the Prince.

Mr. Pitt, though he rather preferred leaving the period unsettled for the present, yet had no particular objection to limit the duration of the whole Bill, as the whole settlement of the Regency, would then undergo a proper consideration, and the strong objections he had made against limiting the Restrictions only, would, in a great measure, be obviated.

Mr. Fox rather agreed with *Mr. Pulteney*, but begged the House to observe, that they were, in truth, turning the Constitution into a Republic, by such repeated elections of the chief Magistrate.

The proposition was agreed to be withdrawn at present, in order to be proposed again on the Bill.

This conversation ended.—The Reports were read a first and second time.

An amendment was proposed, after *empowered*, to insert, *for a time to be limited*.—Withdrawn by leave of the House.

In the *second* Resolution, after *extend*, to insert, *for a time to be limited*.—Negatived.

In the *third* Resolution, the same amendment; and after the word *offices*, to insert, *as were, on the first day of November last, held for life, except such offices*.—Negatived.

The *third*, *fourth*, and *fifth* Resolutions were read, and agreed to, and ordered to be communicated to the Lords in a conference; and that *Mr. Wilberforce* do go to the Lords and desire such conference.

The House rose at a *quarter before* Two in the morning.

TUESDAY, JANUARY 20.

HOUSE OF LORDS.

CONFERENCE WITH THE COMMONS.

SOON after prayers were over yesterday, and the Lord Chancellor had taken the woollack, a message was brought from the

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House of Commons by Mr. Wilberforce, desiring a conference with their Lordships.

He then withdrew, and some short time after the Gentleman Usher of the Black Rod acquainted the House, that the Managers for the Commons were attending without.

The Managers for the Lords were then named, viz. the Lord President of the Council, Lord Privy Seal, Duke of Chandos, Bishop of Salisbury, Bishop of St. David's, Marquis of Carmarthen, Lord Sydney, Lord Hawkesbury, &c. they then went into the Painted Chamber, and were met by the Managers for the Commons, viz. the Chancellor of the Exchequer, Master of the Rolls, William Wilberforce, Esq. Sir George Shuckburgh, Hon. Henry Hobart, Hon. D. Ryder, J. P. Hungerford, Esq. Hon. James Murray, Sir W. Dolben, Matthew Brickdale, Esq. Edward Bearcroft, Esq. Henry Addington, Esq.

As soon as they were seated, Mr. Wilberforce addressed himself to the Lord President, and said, the Commons had come to several Resolutions, to which they desired the concurrence of their Lordships.

The Managers on each side then withdrew, and as soon as the Lord President and the other Lords, above-named, returned to their places in the House, the Lord President acquainted their Lordships, that he had received from the Managers for the Commons several Resolutions, which he desired might be read by the Clerk, and the same having been read, his Lordship then moved, "That this House do, on Thursday next, resolve itself into a Committee on the present State of the Nation."

Lord Rawdon said, he could see no possible reason for the delay of a day, and wished to put the question to the noble and learned Lord, why it could not be brought on to-morrow?

The *Lord President* declared, it was for the sake of decency and propriety that he had proposed to bring on the business on Thursday; he conceived it necessary, that one day should be allowed, to give noble Lords an opportunity of looking into the Resolutions, of deliberating upon them, and of forming a sober and serious opinion, before they came to give their final vote on the subject. In his opinion, it was highly proper that a day should be allowed, and if any noble Lord had proposed even an additional day for the purpose, he knew of no good argument that could be offered against it.

Lord Rawdon said, the noble and learned Lord's argument would have had its full weight, had the matter contained in the Resolutions been novel to their Lordships; it was, however, not novel, the subject had been amply talked over by their Lordships; the argument of the noble Lords consequently fell to the ground, and he could see no reason whatever for the delay. He did not, however, mean to oppose the motion.

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The *Lord Chancellor* wished the noble Lord (*Rawdon*) would propose an amendment, or that he would not. He wished his Lordship would explain what he meant, by saying, the subject had been amply talked over, and not leave the present conversation to be taken advantage of on a future day, on a supposition, that the subject having been amply talked over, needed no further discussion.

Lord Rawdon wished the learned Lord on the woolsack had rose with that coolness of temper and candour of judgment, when he called for an explanation, which the occasion demanded: His Lordship said, he still continued to conceive that no delay was necessary; he conceived so on the ground of their Lordships' being fully acquainted with the subject of the Resolutions; the matter was not novel, it had amply been talked over; but by so saying, he did not mean to take any advantage, and to preclude further discussion; he sincerely hoped it might again be amply talked over, and discussed in every point, not so much to enable noble Lords to form their opinions, which, in a great measure, must be already formed, but for the information of the public, who ought to be fully acquainted with every particular of so important and momentous a business.

The Question was then put and agreed to; the Resolutions ordered to be referred to the said Committee, and the Lords to be summoned.

Adjourned to Thursday.

HOUSE OF COMMONS.

YESTERDAY *Mr. Wilberforce* acquainted the House, that he had met the Lords at a conference, to whom he had delivered the Resolutions come to by that House, as he had been directed.

The order of the day was then read, for the House to be put into a Committee on the State of the Nation on Friday next, the same was, upon motion, discharged, and appointed for Monday next.

The House then adjourned to Monday next.

THURSDAY, JANUARY 22.

HOUSE OF LORDS.

R E G E N C Y.

THE Report transmitted by the House of Commons, of the Resolution of the Committee on the State of the Nation, being read.

Lord Camden rose, lamenting the delay which had intervened on a business so interesting to the welfare of the Nation, a delay, which, however, was the more unavoidable, from the greater evils which may result from precipitancy, or want of deliberation. A noble Lord (*Loughborough*) of great authority and consequence in that House, and a Gentleman (*Mr. Fox*) of no less consequence in another, had stirred a question of certain Rights in the Prince of Wales, which, in his mind, had better never to have been agitated, and which received their best refutation in the silence which had ever since covered them. For neither in the Debate or the Protest, could he trace a single vestige of that Right, or any attempt to maintain it; but it having been necessary to define how that Right really stood, and it having, at length, been fully and constitutionally ascertained, that branch of the Legislature, in concurrence with the other, had a right, and it was their duty, to determine in what manner, and under what Limitations the Royal Authority should, for a time, be exercised. It was unnecessary to dwell upon the painful subject of his Majesty's present situation; It was sufficiently evident, that he was now incapable of performing the offices of a Monarch; and whilst it was the duty of the two other Branches of the Legislature to take care that the defect, in the exercise of the Royal Authority, should be supplied, they must also be careful that the Government which they established, should be one of vigour, energy, and effect. It was already determined, that they possessed the power of making such Restrictions and Limitations as they thought necessary; and to such as had been proposed, he did not know of more than one general objection, namely, that it would cramp and impede the necessary powers of a good Administration. If it could be proved, that such should be the case, he would be the foremost in imploring the House not to sanction any such Limitations; but so little did he expect any such proof to be alledged, that he was himself ready to maintain, that the Resolutions then waiting for the concurrence of the House, withheld only such prerogatives as were dear and useful to the King himself, but of no service whatever in the
general

general Administration of affairs. From the opinions of the faculty on his Majesty's disorder, it was neither of a fatal, or incurable nature; it may continue, for six, twelve, eighteen months, or possibly two years; but should it not be relieved before the expiration of the latter period, he was sorry to learn, that all hopes of a cure would then be at an end.

The Ministers appointed by his Majesty, he must remark, had now only the name, without the powers, or authority which would otherwise attend office; in fact, he knew now of no persons in power, except those who were commonly termed the Opposition; amongst whom there were, certainly, persons of great talents and integrity, who undoubtedly would mean well for the interests of the country; but as affairs were now situated, those who had been Ministers, thought and felt that they owed that duty to the nation in general, which must induce them to provide, in the best manner, for their welfare, during the interval that may occur, till his Majesty's wished for recovery. It was undoubtedly to them a very painful and troublesome duty, one which they would cheerfully resign to those who were likely to be their successors, one in which they could possibly have no personal interest, for they were themselves the victims of the very first Resolution. He was extremely apprehensive, that a subject of so much importance was committed into hands by much too feeble, when entrusted to him. He was grown too old and weakly for the further discharge of much public duty; but as this was the last great office he was likely to perform for his country, he was ready, under every disadvantage, with cheerfulness to undertake it.

Of the Resolutions before the House, there were but three which could be in the smallest manner controvertible—Those respecting the Peerage—Patent Places—and the Household. On the Restrictions of the Peerage, his Lordship was equally diffuse and perspicuous. This was the noblest and most magnificent Prerogative which the Constitution had invested in the Crown—a Prerogative which required the utmost delicacy in its exercise; which, if profusely administered, would diminish and degrade the Nobility and Rank which it now very properly conferred—would even abridge the Crown of its most valuable powers, by leaving none untitled who were willing or worthy to receive it; and destroy that patronage with which such an authority must ever be attended. On the other hand, if exercised too sparingly, it would render that branch of the Legislature too insignificant, and too light in the scale, against the preponderant influence of the House of Commons. It was, therefore, always the duty and interest of a wise and judicious Monarch, to make such use of this Prerogative, as may have its proper effect through the whole of his reign.—To make mode-

rate use of it, either in testimony of his friendship, or in the reward of merit, but always so to temper his favours as to leave behind him numbers of those whose wishes, in a similar point of view, he may afterwards be enabled properly to gratify. This power was so meant by the Constitution, and not intended to be conferred on those by whom it may be employed for temporary or improper purposes. To argue *a minori*, from a circumstance of much inferior quality, he would ask, if any man would be rash enough to grant a yearly tenant the privilege of felling timber? Certainly not—and yet the law gave that power always to a tenant in fee. The reason was obvious—for the one had but a temporary interest, of which he would not fail to avail himself, whatever eventual injury it may be productive of; but the other had a lasting and permanent interest, which must induce him to exercise this privilege discreetly and profitably. Should any one ask him, whether he was of opinion that his Royal Highness the Prince of Wales was a person likely to make such a profligate use of his power? He would readily answer, that in every legislative point, such a question was highly improper. They were to provide against any thing which may possibly, and at any future time happen, without being in the least influenced by any present or personal motive whatever. But if such a consideration should for a moment, be admitted, was not the House aware of the situation in which the Prince must unavoidably be involved, and from which he would, by this Resolution, be removed. Every one knew with how many claims, from personal friendship, promise, or services, he must be surrounded. They must also be convinced, how irresistible solicitation must be on every such occasion—and those solicitations must be still the more pressing, from the uncertainty as to duration of the power of the Regent. Whenever the fair claim of merit and public service presented itself, the Regent was empowered, with the concurrence of Parliament, to enoble the person in whom such claim was vested; and what was that merit, which would not be more highly gratified by the reward, in which his country at large concurred, than owe the compensation to the private friendship or good opinion of any individual, however great or exalted? He did not, by any means, affect to appear indifferent to the favour and good opinion of the Prince of Wales; he had as high an opinion of his virtues and character as any of those now in opposition, who were about to succeed the present Administration; and consistent with his allegiance to the King, confessed, that he paid him a homage almost greater than was consistent with the real duty of a subject. But with all this, he conceived the power of creating peers to be such as he ought not now to be possessed of. During the long Regency in the reign of Henry VI. Sir John Cornwall was the only Gentleman

man whom he could find, in his researches, to have been enobled, and that was done with consent of Parliament. From this Precedent it was, at least, safe to infer, and to argue, that no Regent ever had, or was entitled to the exercise of this prerogative, and the attempt to prove the contrary must be very difficult.

On the subject of the Resolution respecting patent places, his Lordship did not think it necessary to dwell at any length. It was a Restriction which could not, in the least, diminish his influence, or impede his government. For as soon as the patent was made out, the patentee became instantly independent of the donor, and it was too notorious how frequently such benefactions were forgotten. He could not, at all events, displace those already appointed; and he would find those appointed, *ad interim*, more interestedly devoted to him than they otherwise might, if, by a patent, he had made them independent.

The business of the household formed the concluding part of the noble Lord's speech, and in this he urged much of what had been said before—the necessity of maintaining all the appearances of Royal Splendour—and as that must attend the person of the Sovereign, the care of which was to be entrusted to her Majesty, he followed the argument of the indispensibility of the Queen's having the controul and management of the household. The idea of expence was paltry, and unbecoming the rank of so great a nation. There were also considerations of a more delicate nature, to which the House should attend. In every revolution and change of Administration, which this country had experienced, the office of the Lords of the Bedchamber was ever deemed sacred, and exempt from the general vicissitude. They were a set of Noblemen, whom his Majesty's friendship had selected for the pleasures of conversation, and the companions and partakers in his amusements in those hours of relaxation, which he could set apart from the fatigues of business. Whenever it should please God to remove from him the affliction with which he was now visited, it would, undoubtedly, be matter of sufficient concern to him, to find that the Administration of the country was in other hands than those to whom he entrusted it. But how much more would he be affected, on beholding round his person—not those who were his companions for years—not those to whom, from long intercourse, he was attached—not those in whom he confided, and who possessed his friendship and esteem, but a set of new and unwished for faces—a set of persons strangers to his good opinion, or perhaps objects of his dislike.—He trusted there was but one wish in England, respecting his Majesty's recovery; and how improper would it be to obstruct so desirable an event, by the effect which such changes may have upon him when his convalescence should take place.

As to the argument of patronage, conferred by such a power vested in her Majesty, he scarcely deemed it worthy of observation. Let the Gentlemen who were to succeed the present Administration act with diligence and integrity in the service of their country—let them increase its revenue, advance its commerce, strengthen its credit, raise its reputation, and confirm its strength and importance, by wise treaties and advantageous alliances—and what have they to fear from the puny opposition of twelve or thirteen Lords, should they be disposed for opposition?—Let them act well, and their government must be strong; for, even in their own state of the circumstances, all that could come against them was comparatively trifling.—There was a time, when he heard much of the exercise of the power of the Crown, which it was then thought ought to be diminished. It was accordingly diminished, too much, as one party thought; and too little, in the opinion of another. Yet it was singular, if not unaccountable, that these two parties should, on this as well as other subjects, so conveniently blend their opinions, and lend their principles to each other for mutual accommodation, when certain interests required it. On other occasions, he observed, opposition unfortunately carried to such extreme and malignant an extent, as to draw themselves up in array, and, in a manner, give battle to the Minister before he was seated in his situation. Principles so miserable, and a conduct so unworthy, should, he was convinced, be never imputed with justice to those who composed the present Administration. The country was already highly benefited by their exertions, and was particularly obliged to one (Mr. Pitt) whose name he need not mention, whilst it was so triumphantly resounding in the praises and acclamations of his country. From the merit they already possessed, they would never detract, by the meanness of intrigue, or the violence of faction: Nor would they *condescend* to form an opposition, unless danger was threatened to the interests of the liberty of the nation. The patronage of the Regent would be sufficiently extensive—The Revenue, Customs, Army, Navy, Ireland, the East and West Indies, together with America, were such sources of power and patronage, as could not but with ridicule, be said to have any thing to dread from Twelve Lords of his Majesty's Bedchamber.

Earl Fauconberg (Lord of the Bedchamber) rose with precipitation, and expressed himself with much warmth, that such insinuations had then, as well as in another House, been thrown out against the characters and situations of those noble Lords, who had the honour to attend the person of Majesty; an office, in its nature, confidential, honourable, and important. For eleven years he had enjoyed it. The appointment, on his part, was not, in the most distant manner, either solicited, or expected,

pected, nor did he know that his Majesty had conferred the high honour upon him, until the late Lord Ashburton communicated it. In accepting such appointment, he never considered that the consequence of his vote in that House had, in the smallest degree, diminished, nor did he conceive himself bound to support any ruling Administration by virtue of his office, during his enjoyment of which, his vote had not been influenced by any other authority than that of his own unbiassed opinion. Had it been otherwise, and the conditions of holding the office were to surrender his vote, and yield it to the mandate of ministerial authority, he could assure their Lordships, *upon his honour*, that he never would have degraded the illustrious House, of which he was a descendant, by an acceptance of it.

Lord Camden assured his Lordship, he did not, in the course of his remarks, intend, in the smallest degree, to derogate from the dignity of his Lordship's character, or charge him with any servile surrender of that hereditary privilege, which, in common with other noble Lords, he enjoyed. He was convinced of his integrity, and sincerely believed that the situation his Lordship held, had never been the cause either of influencing his vote, or controuling his opinion.

Earl Winchelsea, (Lord of the Bedchamber) observed, that though he had the honour of attending the person of the King, he never conceived, in consequence, his nobility, in the smallest degree, degraded, or the value of his vote and privilege, in point of political importance, comparatively lessened. What had been in other places expressed of the situation of a Lord of the Bedchamber, was, he considered, merely meant to answer the temporary purpose of faction and party; he, therefore, had treated the insinuations with *all the contempt* they merited and deserved.

The Bishop of Landaff highly commended Lord Fauconberg for the spirited manner in which he had vindicated the Lords of the Bedchamber, and justified his own individual conduct. The learned Prelate observed, that he had often heard, with infinite regret, the Lords of the Bedchamber, Scotch Lords, and the Bench of Bishops, treated with the utmost contempt, as if they were merely at the will of a Minister, although, to his own knowledge, nothing could be more untrue than such an assertion; nor did he believe more independent Peers could be found in that House than were in either of the above descriptions. Without, however, descanting upon a subject with which their Lordships must be so well acquainted, he would beg leave to trouble the House with a few words upon the Resolutions then before them; and this he should do with the utmost diffidence, confident of the superior talents of many of their Lordships, and with that gravity and temper which the importance and melancholy

choly nature of the subject demanded. Much time had been expended already upon investigations, which, in his humble opinion would be found as useless as they had been unnecessary; for certainly, when the two Houses of Parliament first met, and unfortunately found the Legislature was incomplete, they should have instantly proceeded to supply the defect as far as was in their power, and rendered the executive government as complete as possible. But how? not by disputing upon questions by no means connected with, or necessary to the subject, but by addressing his Royal Highness the Prince of Wales to supply that deficiency, which, by an affliction of the Almighty upon his Royal Parent, had become vacant. He should here trouble their Lordships with a position, which some people, he knew, would not contend against, this was, that the sovereignty of this country was given by the people, that the powers annexed to it were for the benefit of the community at large, and that in case of demise, or incapacity, it reverted back to the people who had bestowed it; upon this ground, in an instance of incapacity, the choice of a Regent certainly fell upon the two Houses of Parliament, who having the power, could choose whom, and as many as they thought proper, and therefore he presumed it was that an Hon. Gentleman had asserted in another place, that the Heir Apparent had no more right to the Regency, than he or any other individual. Unfortunately for those who professed that opinion, it was not true, when applied to a government; there was a positive law against them, the law of succession, by which it would be found, the Crown never reverted to the people, but actually and absolutely devolved to the Heir Apparent; this, he knew, might be said, was only in case of a demise; but he should contend, that an incapacity to execute the necessary duties attendant on the trust, was a political demise; for, if incapable to produce those benefits to the public, for which regal authority had been given, and another was necessary to come forward, that other must be him, to whom the authority would have devolved, in a natural demise; he was led to this opinion, and he trusted it would not be considered a light one, when he mentioned that Grotius, had made this distinction upon speaking of a King, and repeatedly treating such a person as possessing two bodies, a natural and political one—it must be owned, however melancholy the conclusion, that our Sovereign was no longer in possession of the latter, for the two Houses had come to a Resolution of confirming his incapacity, and they had also come to resolutions, which, though he did not intend to condemn, he could not applaud; for they had spent much time upon a discussion of RIGHT, but what was meant by that right, he really had not heard defined. He said Grotius defined, “a Right” to be, *the morally possessing a thing in conformity to law*.

There was another definition of this word, by an author of no less authority than Grotius, which was, that "a Right" was *the morally* possessing a thing consistently with law. He knew it was not to be found in common law, for there had not a similar case occurred, nor was it to be found in statute law; where then were they to look for this right, but in the eye of reason! If a natural demise had taken place with our present Sovereign, the Prince of Wales would, unquestionably, have been his indisputed successor; and, therefore, although he might not have the Right to become Regent, he certainly had an indisputable claim: this drew him to conclude, that the question came to this single point, that the Prince of Wales was, or was not, of capacity to succeed his royal father; if he was not to be trusted as Regent, in his opinion, it was a declaration that he ought not to be, should there be a necessity, for his being King.

A kingdom might be compared to private property, though he by no means intended to insinuate, that a King might use his kingdom in the same manner, or to the same purposes, as a private individual could use his private estate; yet they would bear comparison in this respect; if a man was incapacitated by sickness, or otherwise, for the management of his estate, who was so proper as his eldest son to be entrusted with it, who was one day to succeed to the whole fortune? In like manner, in the present calamitous situation of his Majesty, who, with so much propriety, could supply the defect of the Royal Authority, as the Prince of Wales, who, in the natural course of events, would succeed to the throne of these kingdoms. As they meant to entrust his Royal Highness, with all the Regal Power but what was mentioned in the Restrictions, he could conceive no reason whatever, why he should not be entrusted with the whole of the Royal Authority. When he considered the public character of those who proposed this plan, he could not doubt, but they had proper grounds for their conduct; he still, however, was under the necessity of saying, that he could not perceive what those grounds were.

His Lordship next observed, that it had been stated, that the whole of the case was to be found in the Precedents. He had referred to them, and he did not find the Precedent so much relied on; that of Henry the Sixth bore out the argument that had been grounded on it. Henry the Sixth was only a few months old, and was born and reigned in dark and barbarous times; whereas George the Third had long reigned over a free and happy people, in an enlightened age. In the reign of Henry the Sixth, the principles of the Constitution were but little understood; in that of George the Third, the principles of the Constitution were clearly marked out and ascertained, and well known to all ranks of men in this country. Much had been
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rested on the argument, that there was no distinction between an Heir Apparent and an Heir Presumptive. He saw a wide distinction. His present Majesty was a man of middle age; the Heir Apparent was a man of seven-and-twenty. Henry the Sixth was a child nine months old; his uncle, the Heir Presumptive, considerably advanced in years. He said, he would but lay down this one *postulatum*, which could not be denied, that these four persons would live the ordinary period of human life: this was a reasonable supposition. It would therefore follow, that the uncle of Henry the Sixth could never succeed; whereas the present Prince of Wales must succeed to the throne, and therefore the two cases were unlike. He grounded a logical deduction on this syllogism. As the power of the Regent was in itself weak and precarious, so the whole of the Regal Power was more necessary to him than even to a King. It was undoubtedly necessary in all its extent to a King, or if it was not, he held and exercised some degree of power that was mischievous. But this the King neither did, nor was permitted to do by the Constitution. The government of this country was a limited monarchy, and the King did not act *injuria licentia*, like the despots on the continent, who set no limits to their authority, and often exercised it for the most cruel and oppressive purposes. He contended, in particular, that the power of creating Peers ought not to be taken from the Prince, in order to lie dormant.

With respect to his Majesty's household, he conceived, the greatest part of it to be useless. Our feelings, however, frequently got the better of our sober judgment, and this, he said, was the case at present; for, although it was his opinion, that the establishment was in a great measure useless, yet he owned, he should not at present like to see the office annihilated; and that their unhappy Sovereign, upon his recovery, might have reason to complain, that they had taken advantage of the hour of his distress, to strip him of his domestics. This he could not approve of, loaded even as the nation was with taxes. But he saw no end to these limitations: for upon the same principle that they were made, they might make others, and even annihilate the whole regal power. That his Majesty's household was necessary to a King, he entertained not a shadow of doubt; for subordination was absolutely necessary to the peace and happiness of every community; and those external ensigns of royalty, which all ranks were capable of perceiving, and were deeply impressed by, were of no small importance for attaining this desirable end. If this power was necessary to a King, then ought it not to be transferred to a Regent? The present subject was not a party question. If it were he would say, *non agitur de publico commodo, sed utrum Cæsar aut Pompeius possideat rempublicam; dic ergo, Cato, quid tibi refert ista contentio?* It was not whether

whether this man nor that man should be Minister, but what was most conducive to the public good, and agreeable to the Constitution. If it should be said, certain powers were withheld from the Prince, because it would have been unsafe to have entrusted them with him, this was at once confessing that he was unfit for the office. But if he was to be trusted with those powers, that were now intended to be committed to him, he saw no reason why he should not be entrusted with the whole of the Regal Power. A venerable common lawyer had described two bodies, as constituting the person of a King, a natural body, that was subject to passions, and a political body, that was free from passion, and immortal. The natural demise of the King, by death, was the separation of these two bodies from each other; and he contended from analogy, that, on the present occasion, although the political capacity of the King remained entire, his natural capacity was gone, and that there was a temporary political demise. But although the Prince had no strict Right to succeed to the Regal Power, during the incapacity of his father, because there was no law that expressly said so; yet, from analogy, he had such a claim as he could not be divested of, but for reasons which would justify his being excluded from the throne. He said, if there was any weakness in the reasoning of this venerable common lawyer, it was, that the case he probably had under consideration (for he was not certain) was a natural demise, but still it applied strongly to the present case.

It had been urged by a noble and learned Lord, who first spoke, that, unless these restrictions had been imposed upon the Prince, his Majesty, when he recovered, and came down to that House, might see faces which were new to him, probably such as he would not like to see, and that he might find himself surrounded by his enemies. His Lordship said, he did not wish to use any asperity of expression, but he could not help thinking this was highly illiberal, for he was sure the King had no enemies. It was paying but a poor compliment to the two great personages. He was certain the Prince of Wales, would have no friends but those of his family, and of the Constitution; and he was as certain, that his Majesty would not be offended in seeing those men in that House.

He said, he was sensible that friendship could only subsist among equals, it was a maxim he had learnt at school, and therefore he did not pretend to be a *friend* to the Prince of Wales; but he considered himself as a friend to the whole House of Brunswick, because they had been friends to the Constitution of this country, and had maintained the rights and liberties of the people. He said, he believed no man in that House uttered any proposition which he did not believe. He had taken the liberty to submit these observations to their Lordships, as sober enquiries

ries after truth. He concluded with giving it as his decided opinion, that his Royal Highness the Prince of Wales ought to be entrusted with all the Regal Powers.

In the course of his speech the Bishop, amidst a variety of other points, which he put very forcibly, stated, that his enemies, he well knew, had reported him to be a favourer of republican principles. They might possibly seize on this occasion, to charge him with being an advocate for prerogative, but he was neither a friend to republican nor prerogative principles, neither to an aristocracy, nor a democracy, but to that just equilibrium of the three powers, which formed that excellent fabric, the British Constitution.

Lord Sandwich spoke with great plainness, but with strong sense and force of argument, against the restrictions. His Lordship said, he might well feel alarmed, at rising after so able and so eloquent a speaker as the noble and learned prelate, but he wished to prevent a fourth estate being introduced into the Constitution, and, as the noble and learned prelate had not moved any amendment, he would take the liberty of introducing one. His Lordship went through all the various arguments, that had been advanced in the other House of Parliament, against limiting the powers of the Regent, and introduced several pertinent observations, in reply to Lord Camden's argument; among others, observing, that the case was not that of suffering a tenant in tail to cut down timber, but to plant a tree on the family estate. He spoke of the injury that must result to the empire, and the damp that would be cast on the ardour of public spirit, by restraining the Regent from conferring the honour of Peerage on meritorious persons; he asked whether it was likely, when his Majesty should recover, that he would feel uneasy at seeing the most deserving sea-officer, who had done as much service to his country, as ever had been done by an officer since a ship had worn a pendant, the gallant Lord Rodney seated on the ducal bench? He reprobated the conduct of Ministers in deserting such a man, suffering him to sink almost into the earth. He spoke of his Majesty's situation, as by no means such as to warrant sanguine expectations, observing, that in the course of his life he had learnt the bitter lesson of sad experience. He mentioned the Resolution agitated some years since, that the power of the Crown had increased, was increasing, and ought to be diminished; declaring, that he had voted against the maxim, being convinced of the contrary; but that now those who had voted with him against the Resolution, were for diminishing the influence of the Crown. His Lordship added a variety of other pertinent arguments and observations, to enforce his opinion, which we pass over, in order to get to the more important part of the debate) and concluded with moving to add to the motion,

tion, by way of amendment, the words, "for a time to be limited."

The first Resolution was then agreed to, and the second being read, "that his Royal Highness should not have the power of creating any Peers, except the sons of his Majesty, having attained the full age of twenty-one years," the question was put on Lord Sandwich's amendment, "for a time to be limited."

Lord Sydney opposed the amendment, upon the ground of the absolute impossibility, under the circumstances of his Majesty's illness, of fixing any time; in what a disagreeable dilemma would not the House be involved, asked his Lordship, should they agree to limit the restrictions to six or twelve months, and at the end of that time, his Majesty, though he might not be recovered, might be on the point of perfect recovery. His Lordship contended, that moving the amendment was a tacit admission of the propriety of the Restrictions.

Earl Carlisle was against the whole of the Restrictions, which went, he said, to create a weak Government, and a strong Opposition. He supported the amendment, wishing that some part of the evil of the Restrictions might be done away by their being limited, but he would not allow, that therefore the Restrictions ought to pass. He spoke shortly on the injustice of suspending the prerogative of creating Peers; and noticing what had fallen from the noble and learned Earl, of the Parliament bringing in a bill for creating a Peer, declared a remedy of that sort, to be much worse than the disease, and, in his opinion, highly unconstitutional. The doctrine of the two Houses having the power of creating Peers, being held by so great a character as the noble and learned Earl, was, he said, so contrary to every thing that he had hitherto understood of the principles of the Constitution, that he called on the noble and learned Lord for an explanation.

The *Lord President* said, the noble Lord had misconceived him; he did not say the two Houses of Parliament could create a Peer, but that the Parliament could.

Lord Carlisle was still dissatisfied; he considered the explanation to be equally unconstitutional with the original assertion.

The *Earl of Derby*, in a loose speech, but replete with strong ideas, argued against the Restrictions, and combated several of the positions of the Lord President. In particular, he asked whence the noble and learned Lord derived his information, that the present Ministers were to go out; and a new Administration to be formed? He conceived, he must have inferred it from a consciousness, that the present Administration had treated the Prince of Wales so ill, as to feel themselves unworthy of his confidence. His Lordship reprobated the idea of the other House having any participation in the creation of Peerages, as in the highest degree uncon-

unconstitutional ; when he said this, he declared it was well known he was partial to the other branch of the legislature ; because, being the popular estate of the realm, from the circumstance of the Members of that House being liable to be frequently sent back to their constituents, they were most likely to speak the real sentiments of the people at large, who, in a Government, constituted as ours was, deserved every possible degree of respect and attention.

Earl Fitzwilliam rose, and, in a short speech, reprobated the doctrines that had been advanced in the course of the several discussions, that had taken place on the subject of the Regency, as tending more and more to reduce the Constitution from the principles of a limited Monarchy, and change it to the principles of a Republic. His Lordship, in particular, complained of what they had that day heard from the noble Earl at the head of his Majesty's Council, who had stated in argument, that no evil could result from passing the Restriction, disabling the Regent from creating a Peerage, because that the two Houses of Parliament could, in effect, grant a Peerage, where the case should be of a nature to render such a dispensing of the honour of nobility, not only proper but necessary. His Lordship charged this settlement as in the highest degree unconstitutional, and said, he should, in consequence, think it his indispensable duty, to come forward with a declaration, condemning all such doctrines as repugnant to the principles of the British Constitution ; and he would do it the very first opportunity, the next day, if it should be vacant, of which he desired their Lordships to take notice.

The *Lord President* rose again, and after observing, that the noble Lord would only vote a *truism*, if he had kept his word, re-stated what he had said, instancing the precedent in the reign of Henry the Sixth, of the Act of Parliament passed to ennoble Sir John Cornwall. He said a variety of instances could be given, of Peerages so granted by the authority of Parliament, and that a Peer so created, was not, in his opinion, the worse for it.

Earl Fitzwilliam declared, he was confirmed in the necessity of coming forward with the declaration he had intimated, his intention of submitting to their Lordships ; his apprehensions, of what he before much doubted whether he had heard correctly, were ascertained by the noble and learned Earl's having re-asserted the republican doctrine, he had before advanced, and maintained that the two Houses of Parliament was not an unfit channel to canvass for a Peerage.

The *Lord President* desired, that if he had loosely stated any point relative to the source of honours, such as a creation to the Peerage, that advantage might not be taken of any inadvertent
lapsus,

lappus linguæ that might have escaped him. No man was more convinced than he was, that the Crown, and its spontaneous will, was the constitutional source of Peerage. In the instance he had stated, the fact was as he had described it; during the minority of Henry the Sixth, Sir John Cornwall had been ennobled, in consequence of an Act passed, to enable the Regent to grant the honour. His Lordship said, an abundant variety of Peerages, so created, might be adduced, and, surely, an honour so conferred, whether by the Crown, or the person exercising the Royal Authority in behalf of the Crown, was not the worse for the previous advice and consent of both Houses of Parliament.

Earl Fitzwilliam said, *worse* and *worse*! He was certainly speaking in a Republic, and not in a limited Monarchy. The noble and learned Earl, he had first understood to mean, that the honour in question had been bestowed in consequence of a regular Act of Parliament, but he now learnt, that it was merely at the instance of the two Houses of Parliament. He was more than ever, therefore, confirmed in the necessity of coming forward with his proposed declaration, and he should feel for the Constitution, if their Lordships did not lend him their ready concurrence when he did bring it forward. His Lordship said, a confirmation of the necessity of his bringing forward the declaration he proposed, was a noble Lord's having lately stood up and avowed, that the proceedings going on were intended to delude, and throw dust in the eyes of the public.

The Lord President again repeated his acquiescence in that doctrine, which no man, who knew any thing of the Constitution, could object to, viz. that honours and rewards were derivable from the spontaneous will of the Crown, and that only. He was, he said, as much an enemy to Republican principles as the noble Earl. He had never meant to insinuate, that the Peerage could fairly and constitutionally originate in a proceeding of the two Houses of Parliament, at their own instance, but at the instance of the Regent, intimated through the medium of the Houses of Parliament, and in superaddition to the will of the Regent having the sanction of their advice.

Lord Portchester charged the Lord President with having said, that the creation of Peers depended on the *concurrence* of the two Houses of Parliament, a doctrine highly unconstitutional!

The Lord President denied that he had said a syllable that came near the idea stated by the noble Lord; he had not talked at all of the concurrence of the two Houses, but of an act having passed at the immediate instance of the Regent, signified expressly to be such, which authorised the enobling Sir John Cornwall. He repeated it, that abundant instances of Peerages, created by Parliament, could be adduced, but desired, if by any loose and unguarded expression, he had been understood to intimate, that, it

was his opinion, the honour of the Peerage could originate in any other source than the pure, spontaneous will of the Crown, or the person exercising the Royal Authority, he might stand corrected, and be considered as having withdrawn any such expression.

Lord Portchester rose again, and with great warmth imputed the dangerous doctrines broached that day, and all the unconstitutional opinions advanced, one after the other, from time to time, from the imprudence of the Houses not having, in the first instance, pursued the plain, direct, and obvious line of their duty, that of declaring his Royal Highness the Prince of Wales Regent, and, by that means, preventing all that delay that had led to accumulated difficulty and danger. His Lordship denied, that the present Ministers were, or ought to be considered as Ministers, they were the late servants of the Crown, and at present were *Usurpers*, who had arrogated to themselves offices, which they had no right to hold, and clinging to office to the last moment, continued in the exercise of authority, after their trust and powers were at an end; their only object, he said, could be to share the spoils of Government, by providing places, pensions, sinecures, &c. for their friends and adherents—

Lord Osborne (the Marquis of Carmarthen) called the noble Lord to order. His Lordship said, he was sure the noble Lord would forgive him for his interruption, since it would afford him an opportunity of recollecting himself, and he was persuaded, that when he became cool, he would feel the injustice of applying such a term as *Usurpers* to those who certainly could not, under the present circumstances, be deemed Ministers, but who, nevertheless, were under the necessity, on a principle of duty and honour, obvious to the understanding of every man of common sense, not to leave their offices till such measures had been taken with the advice and consent of Parliament, as should render it safe for the public, that they should quit those disagreeable situations, and embrace others of greater ease, security, and comfort. The task of proposing the measures necessary to be adopted in the present arduous crisis, had devolved on those who had the honour to serve his Majesty, at the time that he had been seized with his illness, and surely it was no very enviable task; the noble Lord, therefore, he trusted, would suffer them to proceed in the discharge of their duty, relying as he might safely do, that they were as anxious to retire, as he could wish them, from the irksome situation in which they then felt themselves placed. The noble Lord had thought proper to impute to the noble and learned Earl at the head of his Majesty's Councils—

Lord Portchester rose hastily, and said, what the noble Lord was then saying was not to order; his Lordship therefore resumed his last speech, and proceeded to enumerate the monstrous evils that had followed from the delay that the late servants of the Crown had

had been guilty of. Among other enormities, he stated that no longer since than Monday last, two men had been *butchered* by a public execution, at a time when, from there not existing a Government, the door of mercy was barred to them. Those unfortunate convicts, therefore, had been deprived of the fair chance (of which every other convict, during the existence of an actual Government enjoyed), the opportunity of applying to the fountain of mercy, to obtain either a temporary respite, or a final reprieve. Another circumstance of a similar nature, his Lordship said, had occurred in Scotland, the circumstances of which, as he had been informed of them, (for he knew them not from his own knowledge) made his heart bleed at their recollection. He had heard two men had been executed there, after it had been intimated to the late servants of the Crown, that one of the witnesses against them on their trial, was believed on no light authority to have been the perpetrator of the crime charged upon one of the unhappy men convicted, and who had since suffered. His Lordship enlarged on these facts, and admitted that he spoke with warmth, the subject being of a nature which, he freely confessed, aroused his feelings, and put it out of his power to argue coldly.

Lord Sydney urged the injustice of any charge being made against his Majesty's servants, in so sudden a manner, and of so extremely delicate a nature, without its being reduced to such a shape and form, as should admit of the parties charged making a regular defence. With regard to the persons executed in Scotland, though he spoke wholly unprepared, he believed, he should be able to state the facts correctly. The two persons were convicted after a full and solemn trial; applications had afterwards been made to Government, stating, that a witness on one of the trials was charged by the convict with having been guilty of the crime alledged against him, and of the perpetration of which he had been convicted; repeated arrests of execution had been sent down, and since the trial of the witnesses in question, the Law Officers of the Crown in Scotland, had signified to Government, their clear and thorough conviction, that the persons under sentence were, beyond all question, guilty of the crimes of which they had been convicted, and the execution of the law had, in consequence taken place. With regard to the execution in London, they were two persons convicted of murder, who were, by the authority of a special statute, obliged to be executed within a specified period of time, unless some circumstances had been signified to have come out on their trial, to make the interposition of the Royal clemency necessary. If, however, his Lordship had any charge to make against those who had the honour to serve his Majesty, it behoved the noble Lord, in candour and fairness, to give regular notice of his intention, in order to enable those accused to prepare for their defence.

Lord Portchester declared he persisted in his assertion, but that he meant no charge against Ministers; he had merely imputed the melancholy facts that he had mentioned, to the delay that had taken place, and he repeated his words, that the convicts executed had been butchered, having been debarred of the opportunity of applying by Petition, or otherwise, for that mercy, which, had there been an existing Government, there would have been an opportunity of their applying for. His Lordship quoted Judge Blackstone's Commentaries, in which the venerable author states, that so tender and humane is the criminal law of England, that if a convict, after receiving judgment, loses his senses, it is usual to stay the execution, from the idea, that if the prisoner had retained his sanity of mind, he might possibly have suggested some plea, sufficiently strong, to have induced Government to have mitigated the severity of his sentence.

Lord Sydney said, God forgive him! but he had thought, when he had heard his Majesty's servants charged with being Usurpers, and that they staid in office merely to share the spoils of Government, and provide places, pensions, &c. for their friends and adherents, that something like a charge had been made against them.

Lord Portchester again insisted upon it, that what he had said, was no charge against his Majesty's servants. He had urged it as an argument, to prove the fatal consequences resulting from the delay that had taken place in making the legislature complete; and as one of the most prominent of those evil consequences, he should persist in maintaining it to be, since the persons executed, though, perhaps, all guilty of the crimes alledged against them, to the utmost extent of those crimes, had certainly been executed without having an opportunity of appealing by various means, to the constitutional fountain of mercy, in the same manner as other convicts had been enabled to appeal.

Lord Kenyon declared, he could not sit still, and hear a charge of so serious a nature, urged with so much warmth and vehemence against a Judge. If the fact were true, that the noble Lord alledged, it must have been owing to the criminal neglect of one of the Judges; he had hoped, therefore, that the noble and learned Lord who had sat near the noble Lord, who had made the charge, as he had been so much longer a Judge than he had, and, possibly, might have known the fact in question, as far as referred to the London execution, would have risen, and set the noble Lord right. His Lordship stated, that if on the trial of a person, convicted of a capital crime, circumstances came out on the trial, that warranted the Judge to suppose the conviction was founded on erroneous principles, it was his duty, to respite the convict; that this had been done from time to time, and, he might say, from year to year. If, therefore, any favourable circumstances had come out on the trial

trial of the two persons executed on Monday last, it was the duty of the Judge, who tried the criminals, to have respited them; and, if he had neglected this high duty, the men had not been *butchered*, but *murdered*, which was in the contemplation of law, a much higher offence, and the Judge, who had been guilty of such an act of criminal neglect, instead of being suffered to go in state to Westminster Hall the next morning, ought to be seized in his fur robes, dragged from the seat of justice, and hurried to that dungeon, in which the two unfortunate sufferers had lingered their last hours of existence. His Lordship, for this reason, called upon the noble Lord to make good his charge, to put the parties accused, whoever they might be, (for he declared, he knew not who was the Judge in question upon their trials), and bring the guilty persons to that condign punishment, which, if the charge was true, they most undoubtedly merited. His Lordship apologized to the House, for having thus suddenly intruded himself upon them, but declared, that he should have held it criminal to have sat silent, when such a charge was made upon a Judge, and he had been in hopes, that the noble and learned Lord, to whom he had before alluded, and who, at all times, spoke with so much more authority than he could pretend to do in that House, would have risen, and saved him the trouble, that he had felt himself obliged to give their Lordships.

Lord Portchester declared, he still persisted in what he had said, but denied that he either had made, or had meant, to urge any charge against a Judge. He had not known when he first spoke, who the Judge was, who tried the criminals convicted at the Old Bailey. He had that moment learnt, that the Judge was his own relation, and a man for whom he entertained a sincere respect; but that altered not the truth. He had mentioned the facts to which he had alluded, as proofs of the various evils that had resulted from the delay that had been suffered to take place in restoring the Sovereign Authority, and though he believed the persons executed, to have deserved their deaths, and knew, that two of them were executed in conformity to an express statute, he should, nevertheless, contend that they were deprived of that chance of mercy which the Constitution allowed all convicts to take advantage of, and which other convicts enjoyed.

Lord Loughborough declared, he had not meant to have troubled their Lordships that night, and for an obvious reason, he not only was unable to speak at any length, but scarce able to breathe. He lamented, that both at the beginning, and at the conclusion of the noble and learned Lord's speech in that House, he should have taken occasion to impute to him an inattention, the imputation of which must necessarily have given him pain. Undoubtedly, he had been a Judge some years longer than the noble and learned Lord, and he certainly felt so much respect and esteem for the

Judges in general, so much conviction of the probity and honour of every one of them; he might say so much of the sort of *affection*, implied by the term commonly used in their mode of addressing each other, that had he heard any thing that tended, in the smallest degree, to impeach their integrity, or arraign their conduct, he should have thought it his duty, to have stood up, and desired, that the imputation might have been reduced to a shape, and a form capable of being combated. But he had heard nothing like this; a noble Lord speaking plainly, on the evils resulting from the present conjuncture of affairs, had stated, that certain convicts had been debarred the opportunity of appealing to the best attribute of the throne before them, and of soliciting through the different channels of ordinary application that clemency, the peculiar ornament and glory of the Crown. With regard to the supposed imputation, on any one of the Judges, he denied that any existed; a Judge might try a prisoner, pass the sentence of the law upon him, (which undoubtedly was the sentence of the law, and not the sentence of the Judge), and not feel himself entitled to report in his favour. When he said this, he spoke from his own experience; it had happened to him, and that more than once or twice, or thrice, that he had tried prisoners; they had been capitally convicted; he had carefully revised all the circumstances of their trial, and not being able to discover, to the satisfaction of his own mind, a single reason to justify a report in their favour, had reported, that he could not think himself warranted in recommending them to mercy. He had done this, and, nevertheless, mercy had been more than once extended to persons of that description; and he very believed, on a very fair and proper principle. He said, he particularly recollected a case in Norfolk, where four prisoners had been capitally convicted, and he had not, upon the most scrupulous revision of the trial, discovered to his own conviction, any difference in their cases separately considered, that appeared to him to warrant his reporting of one more favourable than of another; it happened, nevertheless, that the Royal mercy was extended to one of them, and he thought very fairly, it having been considered, that it was possible one out of the four might be saved, without injury to the effect of the law. His Lordship said, in stating these facts, he did not hesitate in the least to risk his own character for humanity as a Judge. He had always held it to be more humane, as well for the example of others, as for the enforcement of the object and intention of the penal statutes, where the guilt was evident and glaring, rather to let the law take its course, than by a mistaken lenity, to multiply offenders, and accumulate the sacrifices at the shrine of what was falsely considered the sanguinary spirit of our criminal laws. Being upon his legs, he said, he would make one effort more, with a view to save their Lordships future trouble.

trouble. His Lordship then took notice of what had passed between the noble Lord at the head of his Majesty's Council, and a noble Earl near him, relative to a Peerage being created by the authority of an Act of Parliament. His Lordship shewed the mischief of encouraging any such idea obtaining ground, and strongly urged the danger of its admission, as a doctrine authorised, even by the sanction of an individual Peer of Parliament, delivered in debate, reminding their Lordships, that although, admitting the noble and learned Earl's doctrine in its fullest extent, a Peerage Bill might originate in a message delivered, either at the instance of the Crown, or at the instance of the Regent, nevertheless, the House of Commons would immediately be let into their share of creating a Peer, the honour of the Peerage would be put to the vote, and thence a most unparliamentary interference of the other House, with the constitution of that House, would be established, a doctrine too monstrous to be permitted for a single moment! His Lordship reasoned with his usual perspicuity and force of argument on this grand objection, to the countenancing of such a plan, and after stating that he hoped, the noble and learned Earl would, by a full disavowal of the doctrine, render his noble friend's intended appeal to the House unnecessary, proceeded to say a few words on the use and advantage resulting from the power of creating Peers remaining entire, free, and unrestrained, in the hands of the Executive Government, as an incentive to public spirit and public virtue. His Lordship spoke of the ancient mythological fable, representing the Temple of Honour as placed behind the Temple of Virtue, meaning thereby to inculcate the doctrine, that all who obtained admission to the latter, must necessarily pass through the former, since it was supposed, that no person could deserve honour, who had not manifested proofs of virtue. His Lordship contended, that if the doors of the latter temple were closed, it was a virtual shutting up of the exterior.

The *Lord President* rose once more, and said, he should be extremely unhappy, if he had not made what he meant intelligible by his explanations, and if he had not rescued himself from all possible imputation of either broaching or maintaining unconstitutional doctrine. He therefore begged leave to re-assert, that he had not entertained any the most distant idea of laying down positions repugnant to the ideas the constitution supported. respecting the creation of Peerages; and if any words that had fallen from him, had warranted such a supposition, he begged to be understood, as having retracted every expression of that tendency.

Earl Fitzwilliam, under this ample disavowal of the *Lord President's* intention, to advance any unconstitutional doctrine, professed himself satisfied.

The *Lord Chancellor* rose, for the avowed purpose of drawing the attention of their Lordships back to the subject of the question before them, from which he conceived the Committee to have been strangely led aside. His Lordship professed himself to have entertained a wish, that instead of answering the argument of the noble Earl, who had threatened to introduce an abstract proposition, and call upon the House to vote a *truism*, the noble and learned Earl would have challenged the noble Earl to have come forward with his proposition, and take the sense of the House on it. The noble and learned Earl was right in his argument; it was indisputable, that Peers had been created by the authority of Parliament. In point of fact, in a certain period of our history, Peers were as often created that way as any other. With regard to the noble Lord who had charged Ministers with usurpation, and had talked of the butchery of certain convicts who had suffered the sentence of the law, he imputed much of the violence of that noble Lord's charges against Ministers, to the natural warmth of his temper, which would not allow him to reflect on the injustice of suddenly and loosely urging an accusation against men, whose characters for integrity, rectitude, and a faithful discharge of the duties of their office, were as dear to them as any principle of action on which the noble Lord might pride himself. Let the noble Lord recollect, that a charge of having suffered men to be *butchered*, was of that sort to which no human breast could submit, and that he and every other man, standing in a public and responsible situation, must necessarily feel that such a charge ought not to be slightly urged. If the noble Lord thought himself in possession of any fact, to ground either of his charges upon, (for charges he should contend, most undoubtedly, that they were) let him come forward and state them. But the noble Lord ought to state them specifically and in form; let the noble Lord attack him like a man, and he would answer it as a man, but he ought not to be expected to sit silent, and hear himself arraigned in the grossest manner, without endeavouring, at least, to repel the blow. The *Lord Chancellor*, in the course of this short speech, manifested a considerable share of indignation, which seemed to make an impression on the House, and to carry their feelings in a similar train with his own.

Lord Stormont began with declaring, that meaning as he did, to claim their Lordships indulgence, when the subject of the Resolution, respecting the King's household, should come on, he would not, at that late hour, enter into any discussion of the various matters not immediately connected with the question, that had inadvertently arisen in the course of the debate, but would endeavour, as briefly as possible, to state his sentiments respecting the Restrictions as to the Peerage, and the amendment so properly moved by the noble Earl. He declared, he would support

support the latter, though he by no means approved of the Restriction itself, which he thought came with a very ill grace from those, who had exercised the power of the Prerogative with a liberal hand, and thence held out to the world that in their opinion, at least, the power of making Peers, was peculiarly essential to the existence of a good Government. In the course of five years, the present Administration, his Lordship said, had created forty-two Peers. Calling his Majesty's reign therefore, for the sake of easing the average, only five-and-twenty years, in that period, if the Prerogative of making Peers were exercised in proportion to the ratio of the last five years, no less than two hundred and forty Peers would have been created in the present reign; which if it were true, as the noble Earl at the head of his Majesty's councils had stated, that there ought to be a certain *quota* of Peers only created in every reign, was a pretty large *quota* for the present reign. His Lordship argued, the necessity for this Prerogative of the Crown to be freely exercised by the person or persons, whoever he or they might be, that represented the third estate, and appealed to the House itself, whether, if the power in question had not been exercised during the last ten years, the public and the country would not have suffered many great inconveniences. Among other material losses that House in particular would have sustained, it would not have had the advantage of the presence and abilities of the two noble and learned Lords, who had just spoken. In order to enforce his argument respecting that disadvantage (a disadvantage which he was persuaded their Lordships would admit with him to have been a real and a substantial one, had they suffered it) he would go a little into detail, which was sometimes the most effectual mode of reasoning. Ever since the discussion of the question, respecting the Regency, they had lost two persons of great character and consequence in the country (Lord Grantley and the late Speaker of the House of Commons) and it was impossible to say, what farther ravages the fell tyrant, whose irresistible power they must all one day submit to, whether crowned, or not, might make among them. At present there were not more than five noble and learned Lords, members of that House, who usually attended. No one of these five (Lord Camden, Lord Bathurst, Lord Thurlow, Lord Loughborough, and Lord Kenyon) could render their natural existence, like their reputation, immortal; it was impossible, therefore, to say how soon their Lordships might be deprived of the benefit of their assistance. Should such an unfortunate event (which no man could more sincerely deprecate than he did) take place, and the Regent be deprived of the power of adding to the Peerage, to what a situation would that House be reduced? In what a lamentable condition would the property of the kingdom stand? Causes of appeal of infinite magnitude

magnitude and importance, involving questions of great legal subtlety, might come before them, and surely none of their Lordships would say, that the issue of appeals, of that description, ought to rest on the decision of integrity alone. The assistance of Peers of professional knowledge, was clearly indispensable, and yet from the case he had put, their Lordships would see, that if the Restriction, disabling the Regent from making Peers, were adopted without its being, as the amendment proposed, confined to a limited time, they would be exposed to the chance of being deprived of such very necessary assistance. Lord Stormont reasoned upon the strong necessity of preserving the whole chain of sovereign authority entire. The first link, he said, ought to be fastened to the foot of the throne, and proceed regularly, link by link, to its termination. Let them (as they had been well advised) beware how they shut the door upon the power of creating Peerages. The door once locked, they would no longer have the key in their possession, nor would it be in their power to obtain it again. He reminded their Lordships, of the pride and vanity natural to human nature, and thence argued against their own weakness, which might induce them to resist any attempt hereafter to restore that branch of the prerogative. He reminded them of the Regency bill, that had been introduced in the reign of George the First, and recapitulated all the circumstances of it (nearly as they were stated by Lord North last Friday in the House of Commons) observing, that the Minister of that day, who was undoubtedly a man of ability, stood upon the baneful ground of introducing dissension into the royal family, and poisoning the ear of the Sovereign against the Prince of Wales, the Heir Apparent. He dwelt most emphatically on the pernicious effect of such conduct, and laboured it with singular energy. His Lordship afterwards cautioned the Committee, against consulting to take from the Regent any part of the royal prerogatives, contending, that as his government, from the uncertainty of its duration, and its want of permanency, would unavoidably be weaker than that of the Crown, it ought to have the benefit of being armed and fortified with every power granted to the Crown, in aid of its executive authority; and asserting, that if it were insisted on, that powers were given to the Crown, that were not absolutely necessary to the government of the Regent, the plain inference must be, that more powers were possessed by the Crown than were absolutely necessary, and all such superabundant powers, every man would admit, must be mischievous, and ought not to remain a moment longer.

His Lordship took occasion to allude to the conduct of Richard Duke of York, of whom they had heard so much before, who, in the character of Guardian of the Kingdom, during the infirmity of Henry the Sixth, put the Great Seal to a Commission
issued

issued in the name of the King, purporting to authorize the levying of troops to proceed against *the traitors*, which traitors, so described, were no other than the Queen herself, and all those who had, from principles of loyalty, ventured to support the sinking cause of Henry the Sixth. This he instanced as a proof of the dangerous abuses that might be grounded on a fiction of law representing the King's authority, and in confirmation of it, he mentioned, that a similar Commission had been issued in France, in the name of the Queen of Henry the Third, of that kingdom, by the young Duke of Guines, who, in his early career, affected to have the support of the Government for his object, in taking up arms, but who ultimately endeavoured to ruin the interests of the best Monarch that ever sat on the throne of France, Henry the Fourth.

His Lordship added farther arguments, and collateral observations, but there were few, if any of them, little different from those agitated and offered by different opposition speakers in the House of Commons.

The *Lord Chancellor* said, he would lay out of the case for the present, every consideration that did not immediately refer to the Resolution, not with a view to avoid the discussion of every part of the various topics, that had been introduced into the debate that day, but as he should have a future, and, he trusted, a full opportunity of discussing them minutely, and to the utmost extent. He gave as a farther reason for so doing, that he meant to confine what he should then trouble their Lordships with, to that Resolution and the Amendment then before the Committee. Before, however, he did so, he must take the liberty of declaring, that he concurred completely with the noble Viscount in that position, that he had laid down with so laudable an emphasis, viz. that the man who endeavoured to sow dissensions in the royal family, and to set the different branches of it at variance, deserved the execration of his country, and acted with a degree of baseness beyond any other species of human depravity. He trusted, however, from the little that he had been able to see of the royal circle, that there was no probability of any such event, as a disunion in the family taking place, and therefore he hoped, instead of attempting to insinuate, that her Majesty's holding the patronage of the household, was likely to operate to the disadvantage of the Government of the Regent, it would be insisted upon on all hands, as more likely to be exercised to its strength and its advantage. He declared, he felt what had fallen from a noble Earl early in the debate, as the most handsome thing that had been said upon the subject, in the course of the discussions relative to the Regency in either House of Parliament. He alluded, he said, to the noble Earl's emphatical declaration, that he was *most perfectly* convinced, that the patronage of the royal

royal household was not likely to be exercised by the exalted personage, in whose hands the Resolutions went to place it, to the disadvantage of the Prince Regent, her son. That was the true point of view to regard it in, and for the peace and quiet of the country, it ought to be so argued. His Lordship spoke of the amiable conduct of the Prince of Wales, and said, to such a mother he could not but act with every possible tenderness and regard. He was proud to confess, he thought the House highly obliged to the Prince, for having set the Question of Right, which had accidentally been started, and he verily believed without any serious intention of insisting on it, completely at rest, by the very explicit and satisfactory message, that they had all heard delivered with so much propriety and force in that House. For that they were already indebted to his Royal Highness, and he trusted they should be still farther indebted, for various instances of good sense and proper regard, to what concerned the quiet and interest of the public.

After more comment on the necessity and probability, of the continuance of the most perfect harmony and union in the royal family, his Lordship proceeded to notice some of the arguments that had fallen from noble Lords, who had spoken against the question in the course of the debate.

He began this part of his speech with declaring, that he had not clearly understood the logical definition of Right, as stated in two different ways by a noble and learned prelate. The noble and learned prelate had quoted Grotius, as stating the right of any man, to be "his moral right to possess himself of any thing conformable to law." Now this definition, his Lordship said, could not apply to the Regency; such an office as that of a Regent not being recognized by any part of the common, or of the statute law, and consequently no analogy of law could be brought to bear upon it; nor, indeed, did Grotius mean it to refer to any such matter, but (for he well recollected the passage) to refer solely to a right existing in a state of nature. The other definition, that the learned and noble prelate had quoted from a different authority than that of Grotius, viz. "a moral right to possess any thing *consistently* with law," warranted not the application of the inference, that the noble and learned prelate had drawn from it; because if it could be deemed a fair argument to say, that the Prince of Wales had a right to the Regency, because it was not inconsistent with any known law for him to possess it, it might with equal fairness be said, that the noble and learned prelate had as good a right to it, upon the very same ground of reasoning. Another remark made by the noble and learned prelate, was relative to the natural demise of his Majesty; the noble and learned prelate had argued, that his Majesty having been, by infirmity, rendered incapable of exercising his

his politic capacity, was to be considered, during the continuance of such incapacity, as having undergone a natural demise, and therefore to be in a state of *temporary natural demise*. His Lordship reasoned upon this position, and contended that it was the clear language of law and the constitution, that nothing but the death of the King could be deemed the natural demise of the Sovereign. After enforcing this by argument, he proceeded to shew, that, by a subsequent part of the Bishop of Llandaff's speech, the noble and learned prelate had forgot what he had said, of the temporary natural demise of the King, and had reasoned upon his natural and political capacity remaining; he meant, he said, where the noble and learned prelate had suggested the plan, that he thought the two Houses ought to have pursued, viz. that of calling upon the Prince to act legislatively in the name of his father. All commissions and instruments of authority would, in that case, necessarily have the Great Seal of England annexed to them, and they would, his Lordship supposed, run of course in the name of George the Third, which would be absurd, if the King could be supposed to have undergone a temporary natural demise.

His Lordship reminded Lord Stormont, that the precedents of Henry the Sixth's reign were not, it was evident, thought equally ill of, as his Lordship had imagined, in all parts of the country, since the noble and learned prelate had so heartily approved of the precedent of the transactions, on the death of Henry the Fifth, that he had declared, he had wished the whole precedent had been gone upon. The noble and learned prelate, he must observe, was mistaken in supposing the two cases, that of the minority of Henry the Sixth, and our present situation, to be at all similar. When Henry the Sixth became King, there was no Parliament, no Judges, no Sheriffs, nor any other Officer to carry on the law, or the public business; whereas now there was a Parliament existing, regularly convened, and in full force. The administration of justice proceeded, and the proper officers were capable of executing their respective functions.

His Lordship here stated the transactions that took place on the accession of Henry the Sixth, of the Chancellor's carrying the Great Seal to him in his cradle, the Duke of Gloucester's delivery of it to the then Master of the Rolls, &c. &c. He also said, that notwithstanding so much had been said against the precedents afforded by the reign of Henry the Sixth, Lord Chief Justice Hale relied on them as good authorities for most of the fundamental principles of our Constitution. He owned, he did not dislike the idea suggested by the Bishop of Llandaff, and said, something might in future be made of it.

Having noticed all these matters, he denied that all the powers and prerogatives of the Crown, could be necessary for the Regent,

gent, and contended, that it was their duty to reserve something to mark the rank and dignity of the King's person, who ought not to be stripped of every rag, and symbol of royalty. He commended the independent spirit of Lord Fauconberg, that had induced him to repel the idea, of the Lords of his Majesty's bedchamber being at the beck of the Minister for the time being, but said, he had been a little surprized that the noble Lord should have so far mistaken the noble Earl at the head of his Majesty's council, as not to have seen that the drift of the noble Earl's argument, had been to rescue the Lords of the bedchamber from the calumny cast on them elsewhere. He said, when the noble Viscount had talked of taking power *from* the Regent, he was perfectly at a loss how to understand the phrase. Where was it to be found, that there either existed any such officer as a Regent, or if there could be found that there had existed any such office, what were its powers defined? He denied that there ever had existed, in the contemplation of law, such a thing as a Regent. He had heard of King's Lieutenants, Guardians of the Realm, Protectors, &c. but never before of a Regent, and consequently a Regent could possess no other power than the two Houses chose to bestow. He argued against there existing a necessity for the Regent to have a power to make Peers, and maintained, that more real influence would result to the Regent's government, from their having the power to *make expectations*, than could possibly be the case, were they to be enabled immediately to *make Peerages*. He stated, that he knew but of two modes of making a Peer, viz. the one, of summoning persons to that House by writ, or creating Peers by patent, both of which were necessarily inherent in the Crown, as the fountain of honour, and could not with safety be lodged in other hands; nor ought they at any time to be put in trust for the Crown, unless in case of absolute necessity, and no such case, he presumed, would be pretended to exist at present. With regard to the amendment proposed by the noble Earl, he admitted that the Restrictions must in their nature be temporary, but the difficulty lay in the positive uncertainty, to what time the King's recovery might be delayed; to declare therefore generally, that they should continue only for a time to be limited, was by no means removing the difficulty. Whenever his Majesty's physicians should, unfortunately for the country, pronounce his Majesty's malady to be so confirmed by continuance, that his cure was, in their opinions, either impossible or highly improbable, he should then think the operation and effect of the Restrictions ought to cease and determine, and Parliament would, at all times, have it in its power to make the provisions necessary for this purpose. With regard to what had been said, of the risque of leaving the removal of the Restrictions to the danger of future contingencies,

cies, he said, he had full confidence in the honour and independence of that House, and did not doubt but that the same degree of honour and independence would continue, and that when the fit time for taking off the Restrictions should arrive, that House would willingly co-operate with the other estates of the realm, in putting a legal end to their duration.

His Lordship, in the course of his speech, denied that any person who had acted as Guardian of the Realm, Protector, &c. had ever possessed the full exercise of the Royal Prerogative, that self-constituted Regent, Richard the Third, alone excepted. He also justified what had been deemed a fiction of law, and ridiculed it as such, declaring it to be the only constitutional mode of proceeding that could be resorted to; and observing, that if the Restrictions proposed were objected against, he should expect to hear what trick those who opposed them, would have advised the adoption of, as a more safe, more respectful, and more legal mode of proceeding, in a case so difficult and embarrassing. He farther took notice of a variety of other matters of argument and observation, that had been urged and suggested in the course of the debate, and raised a general smile, by saying emphatically, when some Lords exclaimed—*Hear! hear!—that he hated flattery as much as he disliked its reverse.*

Lord Stormont replied to the Chancellor, and inferred from what he had laid down as a principle in the establishment of the Restrictions, that they were to be permanent. The noble and learned Lord had said, that when it was certain his Majesty could not recover, the Restrictions should be taken off, but not before. Now, till his Majesty did actually recover, it never could be certain that he would, though it might be extremely probable. The Restrictions, therefore, might be saddled on the Regent for twenty years, if his Majesty should live so long, under the pressure of his present calamity.

Earl Fitzwilliam and Lord Hawkesbury said each a few words in explanation; after which, the question having been repeatedly called for before, the Committee divided:

For the amendment	-	67
Against it	-	93

Majority for the Resolution of the Commons	-	26
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On the next Resolution, the Committee again divided:

For the Resolution	-	94
Against it	-	66

Majority	-	28
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The difference between the two divisions was caused by Lord Radnor, who divided with the minority on the first, going with the majority on the second.

The discussion of the remaining Resolution, concerning the Queen's establishment, and the household, was reserved for to-morrow; to which, a little before twelve o'clock, the House adjourned.

FRIDAY, JANUARY 23.

HOUSE OF LORDS.

STATE OF THE NATION.

Lord Walsingham in the Chair, when the third Resolution being read by the Clerk,

Lord Stormont rose, and in a very few words, stated his objection to the Resolution as it then stood, observing at the same time, that as so much had been said on it the preceding evening, he considered it as unnecessary to take up their Lordships time, but should content himself with making a similar motion to that which was then done by the noble Earl; and he therefore moved that the words, "And to be continued for a limited time," be added to the Resolution.

Lord Cathcart followed the noble Viscount, and in a speech of very considerable length, entered at large into the question then under consideration; he referred to all the discussions that had taken place on the subject, and dwelt for some time on each, without however, as far as we understood, starting a single new idea. He complimented administration for having introduced a plan which so perfectly met his approbation, and concluded, by alluding to a noble Lord's having, on a former day, expressed his wishes for an early opportunity for discussing the question; and yet, although that opportunity had occurred, his Lordship had not said a single word upon it.

Lord Rawdon finding himself thus personally called upon, declared he had not the least objection to giving his sentiments fully and fairly upon the Resolutions at large; they were, he was free to say, not such as he had wished might be introduced; because they were, in his opinion, by no means calculated to settle the present unhappy business so well as it might have been done—he objected entirely to the system of placing any restrictions upon the Regent; he was appointed to act for his father, during his melancholy situation, and for the advantage of him, and the country

country at large; now, how was it possible that he should be enabled to effect any thing for the benefit of either, if he was to be deprived of the means and power? These restrictions, and the arguments that had been made use of in their support, absolutely bore the complexion, that it was necessary to protect the afflicted Sire from any innovations of the son; but such an idea was not less absurd than unnatural, for leaving the virtues of the present Heir Apparent entirely out of the question, and speaking in the abstract of *a*, instead of *the* Prince of Wales, could any man suppose, that if he possessed any inclination to intrude upon the rights of the Crown, that he would be enabled to find an administration hardy and abandoned enough to support his ambitious projects, or a Parliament sufficiently wicked and profligate to give countenance to any such measure? He would undertake to answer the supposition of the case in the negative, for the virtues of a Sovereign like ours, endeared him to all hearts, and must make every man in the country ready to stand forward, to preserve him from the shadow of insult or indignity. His Lordship then went into the merits of the Resolutions, upon the ground of their consistence with the constitution, which, after a most able disquisition, he declared, it was his opinion, that in every point of view they were totally inimical to, and consequently they should not have his, nor ought they to have the support of any man in that House.

The *Marquis of Carmarthen* thought the noble Lord had drawn conclusions that were not warrantable, upon the fair investigation of the Resolutions—they were founded upon that principle which he had, and ever should consider as just and proper; upon that account, and that only, he had given them his approbation and support. As far as related to the noble personages, so often, and, perhaps, necessarily alluded to, it was his pride, that he had the honour of having lived, he would not say in personal friendship with them all, because, he thought, friendship too familiar a term, for an honour he should never be able to express his high and grateful sense of. It was not often, he presumed, to trouble their Lordships with any of his sentiments, therefore, when he did, he hoped they would give him the credit to believe they were real, and as independant as any man's in that House, for, although he might have, as most others had, a preference for a particular set of persons in their political opinions, yet he trusted, he never should be found to attempt in himself, or support deceptions in others.

The *Marquis Townshend* complimented the Ministry, for their general economical system, but could not conceive the present arrangement to be a part of it. So large an establishment of white wands and gold sticks, could hardly be wanted at Kew, any more than the assistance of the Life Guards would be required by Dr. Willis. He was sorry to find that a spirit of party prevailed

vailed so much in the settlement of the Government.—He had always disliked party, and not the less, because he had suffered by it.

After the Marquis had sat down, an altercation took place between the partizans of Lord Kinnauld and the Duke of Chandos, respecting which should speak first. Lord Kinnauld had risen before the Duke, and was first nodded to by the Chairman; Lord Walsingham, however, afterwards shewed a disposition to hear the Duke of Chandos in preference to his Lordship. The House then became rather clamorous, one party calling on the Duke of Chandos, and the other on Lord Kinnauld.

Lord Kinnauld gave up the point to the Duke of Chandos, whom he considered to have a prior right to deliver his sentiments, on account of the debate turning, on a question in which he was interested (the Household).

The *Duke of Chandos* then rose, and spoke in support of the Resolutions, and against the amendment. His Grace delivered himself in most affectionate terms, on the illness of the Sovereign, with whom, he said, he had lived in habits of respectful acquaintance for forty years. He assured their Lordships, he would much rather deliver up his office, which he was ready to do, than be suspected of being influenced by it in his vote, the emoluments of it were what he least considered; he had never connected himself with any Administration, from the time he had first come into that House, to the present moment. He had supported the present Administration from principle, and he knew them to be an Administration that had rendered many services to the country. His Grace passed a warm eulogium on Mr. Pitt, and parodying what Mr. Pitt's father said of General Wolfe, pronounced the present Chancellor of the Exchequer an "*Heaven-born Minister*."

The question was then put upon the amendment, which being rejected, the original question was carried without a division.

The fourth resolution was next put, disabling the Prince of Wales from interfering with the real personal property of the King.

Lord Loughborough opposed it, upon the ground of the Resolutions conveying an indecent and unjust suspicion of the Prince of Wales, which ought not to be suffered to go forth to the public. His Lordship began a conversation on the sort of property belonging to the Crown, which was held *jura coronæ*, and on what was held otherwise.

Lord Kenyon spoke in support of the Resolution; the King, he said, had a right to transfer forfeited estates, his copyholds, &c. and it would not be fit, that that power should be given to any other.

Lord Loughborough asked, whether there was any noble Lord that would suggest the probability of his Royal Highness, without the limitation, attempting to sell any of his father's possessions? And if no such probability existed, where was the necessity for the Restriction?

Lord Radnor spoke of Church advowsons as a peculiar part of the property of the Crown.

The *Lord Chancellor* said, he could not consider the Restrictions as reflections on the Prince of Wales. If he considered them on the ground of necessity, of providing against the Prince of Wales, he should give his vote against them all; for, he was so confident of the goodness of his Royal Highness's heart, that were he to be entrusted with the most unlimited power, no degree of danger of an ill use of it might be expected. He begged their Lordships to remember, that in the discharge of their duty, they were not to consider of any respect due to this or to that person, but to decide as the occasion required; if they did otherwise, they would do absolutely wrong. They were to consider the Resolution as applicable to a Prince of Wales, and to persons in general; they were to give to the new office to be appointed, all essential powers, and no more than were essential. He did not suppose, that any persons who might be about his Royal Highness, would advise him to alter the real property of his father; he did not believe, that if he was so advised, he would follow the advice; nor did he believe he would do it of his own will; but notwithstanding he had so high an opinion of his Royal Highness, he felt it his duty to put every consideration of personal respect out of the case, and considered the Resolution as absolutely necessary, and essential to the rights of the Crown.

Lord Loughborough was still of opinion, that it was unnecessary, and that it tended to nothing but a reflection upon the Prince, insinuating, that unless he was restricted, he would presume to dispose of his father's property. His Lordship said, it was considered as a libel, if any person sent to another the commandment out of Holy Writ, "Thou shalt not steal," as it implied by the caution, that the person to whom it was sent, was a thief; seeing the restriction in the same libellous light, he objected to it as an unjust and unwarrantable reflection upon his Royal Highness.

The *Lord Chancellor* said, the Resolution was not to be admitted as a personal restriction, but as a general provision.

The Question was then put upon the Resolution, and carried without a division.

The Fifth Resolution, that relative to her Majesty's having the custody of the King's person, and the controul and management of the Household, was next read.

Lord Rawdon immediately rose to move their Lordships to divide the motion. His Lordship appealed to the Chairman for information, what sort of motion he ought to make to answer his purpose, which was to divide the motion into three distinct propositions, as it would be a matter of convenience, to debate each separately and distinctly.

This gave rise to a desultory conversation relative to the sort of motion that would be regular.

Lord Loughborough said, if the whole proposition were put together, it would puzzle the debate, and perplex their Lordships in voting, because there might be some noble Lords who would vote for one part, and some for the first and last, leaving out the middle, that which gave her Majesty the power of removing and appointing officers. His Lordship therefore recommended, that the motion might be divided as proposed by the noble Lord.

Earl Bathurst said, being a Resolution sent up by the House of Commons, their Lordships could not divide it. The only question they could put, was to move, "that the Committee do agree to this Resolution of the House of Commons," and then any noble Lord who wished to get rid of any part of it, might move by way of amendment, to leave out such and such words. If the motion had originated in that House, they would have had full command over, and might have divided it and subdivided it as they pleased.

Lord Rawdon again said a few words on the convenience that would result from dividing the motion.

The *Duke of Richmond* argued against it, he thought the question by no means complicated or embarrassed, the second and third parts naturally followed from the first, and, in his opinion, the component parts went together; if the House thought they were improper, it would be right to divide the question.

Lord Rawdon said, he would move that the question be now divided.

Lord Loughborough reasoned upon the manifest injustice of forcing any noble Lord to vote for the whole of the three Propositions connected together. He said, perhaps, no person would object to the first Proposition, viz. that of committing the care of his Majesty's person to the Queen, but many might object very forcibly to the second part, and be extremely averse to putting the patronage of the Household into her hands, from a persuasion that it ought to go along with the other patronage annexed to Government.

The *Lord Chancellor* asked whether a motion had ever been known to be made in either House for dividing the question? For his part, he was ready to take it as a clear Proposition, that the first and second Propositions went together, and that the third naturally followed the two former. If any person thought the
three-

three parts were single and separate Propositions, he might take the means of separating them, but he could not do it by a motion to divide the question. His Lordship said, it had fallen to his lot to have read a considerable part of the Journals of that House, and of the other, and a motion to divide the question, was a motion perfectly new to him, the regular question always being, "that these words stand part of this motion."

The *Marquis Townshend* said, the motion appeared to him to be peculiarly complex; he wished to vote for one part, but not for another.

Lord Loughborough thought it a fair proposition, that a complex question be divided.

The *Lord Chancellor* rose with some degree of warmth, and, as he proceeded in his speech, he worked himself up into still more. His Lordship said, in what manner the noble Lords conceived it possible for the King to be placed in the hands of her Majesty, without giving her the superintendence and controul of the Household was to him inexplicable. His opinion was, that all that belonged to the Household must, at the same time, with the care of the King's person, be put under her Majesty's controul and management. There was no other way of preserving the King's dignity, but keeping him with all his Royal attendants about him. If they separated the Resolution, they might as well proceed to treat the King as an ordinary individual, and put him out on board wages, or send him to one of those boarding houses that take in unfortunate people. If they meant to abandon his Majesty, in his present *bereaved* situation, let them act in that manner, and that indeed would be the only manner to make shift without the royal household going to the Queen, and then it would be in vain for that and the other House of Parliament to lose their time, in inventing the means of preserving the rights of their Sovereign, and restoring him to his former power, and former splendor, for they might never expect a cure. Let the Committee remember, that the Queen was to have the care of the royal patient, not as a wretched being, destitute of friends, an obscure individual, without name, without honour, without reputation, forsaken by all the world, but as a King, whom his people looked up to with loyalty and with affection, and with anxious wishes that he would soon be enabled to re-ascend his Throne, and again distribute blessings on his grateful subjects. His Lordship here said, with great emphasis and energy, that he *claimed for the King*, all the dignity that should attend a Royal person who was sick, and who was entitled to every attention, and every comfort that could be administered to him in the hour of his calamity, and who should *dare* to refuse his request? It would; and it ought, his Lordship said, to mortify the Queen, if the King was deprived of all the dignity that surrounded him, and

turned over to her in an unfeeling and irreverend manner, destitute of attendance, destitute of every mark and token of Royal greatness. How must a wife, of her Majesty's description, receive a husband, under whose beloved shade she had, for many years, been protected and made happy? Was there a man, who heard him, who possessed the sensibility common to every ordinary human breast, who did not sympathize with her Majesty's situation? He had heard, indeed, that from political speculations, doubts had been entertained, with respect to the dignity that ought to surround his Majesty's person, but no man alive to the least sense of loyalty, alive to a principle of compassion, alive to any one generous feeling, could surely venture so far to forget what was due to their suffering Monarch, as to separate the second from the former part of the Resolution. He protested to God, he did not believe there was a single noble Lord in that House, who wished to strip his Majesty of every mark of royalty, and reduce the King to an *abject* and *forlorn* situation, while he was labouring under a misfortune equal to any misfortune that had ever happened since misfortune was known in the world. With regard to separating the second from the first part of the Proposition, he reprobated the intention as a cruel idea, and exclaimed against it in terms of great animation, asking if ever calamity so shocking, if ever misfortune so severe was suffered to excite so little compassion where so much was due? That King,

*Deserted in his utmost need
By those his former bounty fed.*

His Lordship declared, the obvious feelings of mankind went so directly to the wish of paying every mark of reverence, respect and attention to the Sovereign in the hour of his misery and misfortune; that, he was persuaded, the public would be shocked at the idea of that Committee persisting for a moment to hesitate, whether the King should be attended with the Royal Household or not. His Lordship pursued his theme in tones, that in a peculiar manner overwhelmed the feelings of all who heard him, and before he sat down, his emphasis became more governed, when he said, he desired not to be understood as intending, either by his argument, or the warmth with which his zeal had impelled him to deliver it, to preclude the debate, or bear hard upon any one of those noble Lords who had intimated a wish to separate the motion,

As soon as his Lordship sat down, Lord Rawdon rose, and said, after having been in so extraordinary a manner alluded to by the noble and learned Lord, it was impossible for him not to rise and declare, that he was exceedingly concerned at what he had heard; nay, he would go farther, and when he took notice of the extraordinary

ordinary tone and manner in which the noble and learned Lord had delivered himself, he must attribute it entirely to the noble and learned Lord's intemperate zeal. There was not in that House a noble Lord, who felt greater gratitude to the Sovereign than he did, or one who would be more ready to convince him of his zeal to serve him, should Providence permit him to resume his Royal functions. But what, his Lordship asked, had he done to provoke the singular mode in which the noble and learned Lord had expressed himself? Candidly and abstractedly from all motives of faction or party, he had appealed to the House, on the suggestion of his own mind, and barely on the principle of convenience. Ought he, his Lordship said, to be immediately attacked, and to hear it insinuated, that he had acted in an irreverend manner? The expression, it was true, had been retracted as soon as it had been made; but he must contend, that it ought not to have been used at all, and, he must inform the noble and learned Lord, that he *would be* given the same credit for candour in that House, that he had, at all times, given the noble and learned Lord. In the further discussion of the subject, his Lordship said, he must request that the passions might not be appealed to, and he claimed for himself that same sentiment of respect towards Majesty, which the noble and learned Lord had claimed on the part of the defenceless situation of the King. He had, his Lordship said, advised, whenever he could take the liberty of advising, that the utmost moderation and temper might distinguish the course of the future proceedings; and, he was persuaded, they would all profit by it, were his advice followed. His Lordship then moved to leave out the second part of the motion, saying, that by so doing, he did not mean that no other provision should be made, but because he thought he did his duty to the House, by moving, that the words be left out.

The *Lord Chancellor* took notice of what Lord Rawdon had suggested of his having retracted what he had said, and denied that he had either retracted, meant to retract a word, or retract a syllable, because, he was persuaded, he had not said a syllable that he had any occasion to retract. He declared he would repeat what he had said when last on his legs, addressing it, as he had done before, to the House at large, and the Committee conjointly, and not to any individual Lord on either side the House. His Lordship here re-asserted his opinion, that the Committee would shamefully neglect their duty, and leave the King in that destitute and wretched situation that he had described, if they separated the second part of the Resolution from the first, and did not accompany the trust of the Royal person in the hands of the Queen, with enabling her to discharge that trust, by putting the Royal Household, at the same time, under her direction and controul. Till the particular word which he had been supposed to have re-

tracted was specified, therefore, he hoped, it would not be thought that he had retracted any words whatever. His Lordship admitted, with regard to the motion, that there was nothing more fair than to move to leave out words in a motion, but he had never heard of moving to leave out words, unless it was first declared, that the mover meant to substitute better words, and put the House or the Committee in possession of the amendment, regularly, before the person proposing it, attempted to clear the way for it.

Lord Stormont rose and said, that he considered the expression of "those his former bounty fed," as peculiarly addressed to him. He had, indeed, he owned, enjoyed the highest honours, and passed the most considerable part of his life in the possession of the greatest emoluments from his Majesty; and, therefore, he might be supposed to have been one who came under that description, and had shared the greatest part of the Royal bounty. But those honours, and those emoluments were not, he conceived, now repaid with ingratitude. He would say, with the noble Secretary of State, he loved his Majesty, he loved the Prince of Wales, but he loved more the Constitution. This declaration was made in the presence of some of the Royal Family, and he would not scruple to make it before his Sovereign, if he should ever be restored to his presence again. He begged their Lordships to consider what might be the consequence of the division of power proposed. There might be a competition, and, however delicately he might wish to speak upon the subject, sparks might arise which would kindle in a flame. He instanced the case of Cardinal Richlieu, who ingratiated himself with the mother Queen, and caused a variance between her and her son. The person entrusted, he thought, with the King's custody, ought not to have the disposal of his Household. It was cruel to throw her Majesty upon a sea of politics without a rudder, chart, or compass. No man had ever yet ascribed to her any political interference whatever. If any word should escape him, which might be made to bear any tendency to reflect on the Lords of the Bedchamber, or of the Household, his Lordship disavowed having entertained any such intention. He knew all those noble Lords in that House, and had been honoured with the friendship of many, particularly with that of the noble Duke, [the Duke of Chandos], whom he could not but admire, for the manliness with which he had delivered his sentiments on the present occasion. His Lordship then adverted to the famous bill, to diminish the Influence of the Crown, and said, that he thought the premises unfounded; but allowing the premises, the conclusion was irresistible: if those powers were unnecessary, take them away; if those in the present case, whose general opinion was to support the Administration, be it what it might, were willing to consent, in this instance, to so much patronage being taken from the

Crown, as that of which it was now about to be deprived, they were guilty of a monstrous solecism in politics. People who accepted places, ought to quit them, and not enter into a systematic opposition, because that would be turning into the bowels of Government what was meant for its defence. Though personal distinctions were disclaimed, Gentlemen had sometimes relied upon them, and it had been asked, whether the division of power between a mother and son would not tend to produce bad consequences? His Lordship observed, scarcely a single instance in history had occurred of power being divided between a mother and a son, from which mischief had not ensued. The Queen might have ill advisers. In saying that, they might indeed go near to direct a censure against themselves, for, as yet, they were but striking in the dark. Who her advisers were to be, his Lordship knew not; but she certainly might have powerful advisers in Council. They might persuade her, that she could not render a greater service to her son, and to the country, than by attempting to rescue the Prince himself from such pernicious hands as those in which he placed his confidence. Nothing, he said, could strengthen the opposition like a weak Government, and, from the intended division of power, he expected to see the standard of opposition erected in the centre of the Queen's Palace. It was asked, will you leave the King in that miserable destitute situation, without his Household Officers? Gentlemen, his Lordship said, had raised a shadow, had given it a hideous form, and combated the shadow they had raised. Those Officers were attendants on the King only, when he was the representative of Majesty. Would it not seem taunting to attempt to sustain such an idea at the present moment? Would not the places of the Household Officers be mere sinecures? The question therefore was, whether the dignity of his Majesty would not be better kept up by the idea he had professed, than by the hideous idea of the King's being unhappy on his restoration to health, at beholding new Officers of the Household? His Lordship said those Officers, who were removeable at the will of one person, and not of another, lived at present like the gods of Epicurus, with great splendour and hospitality; some in town, and some at their seats in the country. A distinction had been made between the Political and the Household servants of the Crown; but this was a distinction without a difference. Let Gentlemen give a definition of a political servant, which does not apply to the Lord Chamberlain, or the Lord High Steward. The statute-book on the table would prove, that in the reign of Henry VIII. they were both called Great Officers of the State. Were not those, he would ask, political servants? Was it intended to deprive the Regent of the right of naming his Majesty's chaplains? Did not that properly belong to the office of the Lord Chamberlain? It

was

was said, that we must provide against the exigency of the case; But this ought not to be by dividing the royal powers between the Prince and the Queen, and setting the son at variance with the mother. The Romans never provided against parricide, because they thought no child could be so unnatural as to be guilty of the crime. But this was the worst of parricides. He declared fairly, that he had not conceived such a plan was possible to have originated in the present administration. Little did he ever conceive that a Right Hon. Gentleman, with whom he had not the honour of being personally acquainted, would have acted so differently from what might have been expected from ingenuous youth, bright talents, and increasing fame. He had imagined that the Gentleman alluded to would rather have exclaimed, let the tide of royal power roll on with undiminished stream from father to son, from King to Regent. It shall devolve whole and entire from the Crown to its Representative.

His Lordship asserted, that he considered the royal powers and authorities, as a weight in the balance of the Constitution; when Gentlemen diminished that weight, they altered the balance. It had been said by one set of persons, that if they were in Administration, they would conduct themselves as they had hitherto done, but that, as the case at present stood, they would be careful and vigilant in watching the power of the Regent; that if public measures succeeded they would rejoice, and that the comparison between the government which they had conducted, and that which was to be conducted by their adversaries, would now more obviously appear. But his Lordship observed, there could be no comparison if they crippled the government. He would only suggest to the House the consequences of a fettered, weak and debilitated government, which had the power of calling for services that could not be vigorously exerted. He was surprized to hear a noble Lord, when surrounded with newly created Peers, declare, that the wax was scarcely cold before they had suffered the impression to be obliterated. Let the House conceive the consequences likely to arise, if a King on recovering from his sickness, finds that the former government had been weak and defective. He was proud to acknowledge himself to be one of those, whom that King's "former bounty had fed;" but he would not have to tell him, upon his restoration, that to shew his attachment to his Majesty, he had consented to cripple the government of his son: a government to be prosperous must be strong; and it was not probable that the King would consider it as no offence, to have put such measures into execution, as tended to prevent the prosperity of the Regent; a father might, from a sense of his own dignity, from considerations of personal rank, from other motives, bring himself to pass by and look down upon an insult that was offered to him;

but

but he appealed to every noble Lord, who, like himself, had the happiness to be a father, if a parent ever resented any thing more pointedly than an injury committed against his son, and when wounded in the person of his son, resentment and indignation assumed a fairer and more animated form, and almost deserved the name of virtue.

The *Lord Chancellor* spoke in reply, and insisted upon it, that it was altogether unusual to move to leave out words, without substituting other words in the room of them. He declared, nothing like an argument had been advanced to prove, that her Majesty ought not to have the direction of the royal household, to enable her to discharge her trust of the care of the royal person. His Lordship maintained, that the Lord Chamberlain, Lord Steward, and Master of the Horse, although they were undoubtedly great officers, were nevertheless intimately connected with the interior of the royal household, and necessarily a part of it. He combated the arguments Lord Stormont had advanced, relative to the dissensions in the royal family, and spoke of the unimpeached character of the Queen, who had not only acted well, but so well as never to have been even suspected, but to have escaped the breath of calumny, for eight-and-twenty years together, as the best security that the patronage of the household should not be abused or perverted to party purposes. His Lordship added a variety of other arguments.

Lord Loughborough rose as soon as the Lord Chancellor sat down, and made one of the most eloquent and animated speeches we ever remember to have heard his Lordship deliver. He began with complaining of the want of candour in the noble and learned Lord, who had betrayed his noble friend, into moving to leave out the words of the second proposition, and now complained of his having done so. After dwelling upon this for some time, his Lordship proceeded in a general and extensive line of argument, to combat not merely the want of attention to constitutional principles, but the want of practicability; the whole plan, he contended, being more likely to weaken and embarrass the Regent's government than to give it stability or assistance. He declared, the true description of the Prince when he came in, would rather be that of a Commissioner for the Crown, a sort of first Minister, than a Prince Regent, and he maintained, that the Prince would not be in possession of as much power, as even in the Republican government of Holland was allowed their Stadtholder. He ridiculed the Lord Chancellor's argument, that the Lord Chamberlain, Lord Steward, and Master of the Horse, were materially concerned in the interior of the royal household, was idle and inapplicable, asking whether the first ordered the dinner, the second the rummers and towels, and the third shod the horses? He also ridiculed the institution

stitution of a double household, which would be the case, when the provision was made for supporting the state of the Regent. He said, the Regent's household would, he supposed, be made up of representatives of all the other household officers, and they should have representative white staves, representative yeomen pensioners, representative beef-eaters, &c. &c. He with great ingenuity pointed out the possible danger that might result to public credit, foreign negotiation, foreign embassies, and in a great variety of other points of view, from the introduction of a double council, contending all along, that the Queen's council would operate like what had been condemned by patriots of all denominations during the present reign, as inimical to the Constitution and destructive of all good government, viz. a degree of secret influence, that would pervade every operation, and counteract every effort of executive power. He instanced the case of the Duke of Marlborough's being disgraced, and the object of Sacheverall's trial being defeated in Queen Anne's time, and a variety of other historical facts in illustration and support of his reasoning, ultimately contending, that the effect of the whole system of appointing and limiting a Regent, and at the same time to withhold a portion of the powers that ought to be annexed to the executive authority, was to infuse suspicions into the public mind, injurious to the Prince, and to set up a weak, divided, and embarrassed government.

The *Lord Chancellor* in reply said, the noble and learned Lord first presumed a variety of possible abuses of the practice of the system, and to make out most of them had put extreme cases, but had not adduced one sound argument to prove that the question before the House, viz. the Proposition that the Queen, with the care of his Majesty's person, should have the direction of the royal household, was unwise or improper. His Lordship said, all that the noble and learned Lord had said of a double household, double council, representative white staves, representative beef-eaters, &c. was idle ribaldry.

The *Duke of Richmond* very ably argued to prove, that the secret influence talked of by the noble and learned Lord, was not the species of secret influence that had been so often reprobated as destructive to all good government, which was a secret influence near the person of the King, pervading and affecting all public measures, though unseen. His Grace also answered many other points in Lord Loughborough's speech very ingeniously and satisfactorily, and called upon the noble and learned Lord to explain a particular point, asserting as a reason for his earnestness, the scandalous freedoms taken with truth, and with all public and private characters, in those vile publications, the daily papers.

Lord

Lord Loughborough gave the desired explanation, and joined in reprobating the news-papers, assigning as the reason, why he imagined they were so much encouraged, was the impunity with which they were suffered to disseminate scandal, detraction and falsehood, and the foul and depraved taste of the times, which induced the public eagerly to search for frivolity, folly, calumny, and lies, in preference to truth, fair argument, decent observation, and genuine wit.

Lord Kinnauld closed the debate, by an animated speech against the Resolution, in which he replied to several passages in *Lord Cathcart's* speech, particularly an attack that his Lordship had made on the argument of the Bishop of Llandaff.

The Committee divided on the amendment, when the numbers were (that the words, moved to be left out, stand part of the question) *Contents* 94—*Not Contents* 68.

The main question was then put and agreed to.

The House having been resumed, the Report was brought up, the Resolutions read, and the Amendment of the words "for a limited time" moved to each, and negatived.

All the Resolutions were then read and agreed to.

A Protest, signed by a large number of Peers, was last night entered on the Journals against the Resolutions.

The House rose at half after twelve o'clock.

P R O T E S T.

Die Veneris 23 Januarii, 1789.

The House took into consideration the Report from the Committee, appointed to consider the Resolutions of the Commons, delivered at a conference on Tuesday last.

And the said Report being read by the Clerk, it was moved to agree with the Committee in the said Report; and the same was [upon the question] ordered accordingly.

DISSENTIENT,

1st. Because we firmly adhere to the principles and arguments, on which we disapproved the Resolutions formerly passed by this House, especially when the legislative power of the two Houses of Parliament, unconstitutionally assumed by those Resolutions, is meant to be employed to restrict or suspend many important and essential branches of the royal power, at the moment of the declared incapacity of the King.

2dly. Because we think the power of conferring the rank and privileges of the Peerage, as a reward to merit, is necessary to the Royal Authority, in order to afford an incitement to vigorous exertions in the service of the state, and is more peculiarly necessary (like all other parts of the prerogative) when the regal

gal power is to be exercised by a substitute, with an authority uncertain and precarious in its duration : but especially on the present occasion, as it is the only branch of the prerogative sufficiently powerful to afford a remedy against such a combination in this House, as other parts of this system of restriction and mutilation, have a natural and obvious tendency to produce.

And because we conceive that this restriction, may create an interest in the members of this House, to withhold their assent to restore the ancient powers of the Crown in this respect.

3dly. Because we conceive, that by the subsisting law of the land, his Majesty's property is sufficiently secured from any undue disposition and alienation, and the resolution on that subject can have no other effect, but to convey to the public injurious suspicion, and unjust imputation, on the character and intentions of his Royal Highness the Prince of Wales.

4thly. Because we are of opinion, that in order to maintain the proper dignity of the Crown, and preserve the due influence and respect which arises from the great offices of the state, it is necessary that the person exercising the Royal Authority in the name and on the behalf of his Majesty, should be attended by those distinguished servants, whose functions have been established for the purpose of adding weight and splendor to the regal office. We cannot agree to a division of the royal power ; to the creation of a fourth estate, unknown to the Constitution of this country.

FREDERICK,

Lothian,

Devonshire,

Audley,

Craven,

Bedford,

Carlisle,

Portchester,

✓ Pelham,

Breadalbane,

Cassilis,

Abergavenny,

Loughborough,

Scarborough,

Foley,

Ponsonby,

Douglas,

Rawdon,

HENRY,

St. John,

R. Llandaff,

Cholmondeley,

Hereford,

Peterborough,

Stawell,

Cardiff,

Southampton,

Shaftesbury,

Chedworth,

Portland,

Huntingdon,

Egremont,

Ponsonby,

Malmsbury,

Sondes,

Montfort,

Derby,

Hertford,

Cadogan,

Boyle,

Maynard,

Eglingtoun,

Sandwich,

Kinnaird,

Aberdeen,

Chr. Bristol,

Hay,

Rodney,

Northumberland,

W. Fitzwilliam,

Buckingham,

DISS. For the 2d, 3d, and 4th Reasons,
St. Alban's.

DISS.

DISS. For the 1st, 2d, and 4th Reasons only,
 Clifton, Suffolk, Berks,
 Spencer, Hawke.

DISS. For all the Reasons given in this Protest, except those in the latter parts of the 2d Reason, viz. beginning at these words, " but especially on, &c." from thence to the end of that 2d Reason,

Selkirk.

MONDAY, JANUARY 26. 1789.

HOUSE OF LORDS.

A MESSAGE was sent to the Commons by two Masters in Chancery, Messrs. Holford and Leeds, desiring a conference. After some time, the Managers for the Commons came, and the Yeoman Usher of the Black Rod informed the House, that they were waiting in the Painted Chamber.

The Managers for the Peers were then called over, viz. Lord President, Lord Privy Seal, Lord Chamberlain, Marquis of Carmarthen, Lord Sydney, Lord Hawkesbury, &c. who went into the Painted Chamber, when the Lord President returned the Resolutions agreed to by their Lordships, without any amendment. When the Managers returned, the Lord Chancellor put the question of adjournment, and the House accordingly adjourned till Wednesday.

HOUSE OF COMMONS.

A MESSAGE was brought from the Lords, desiring a conference. It was then moved, that the Managers who conducted the last conference, should likewise conduct the conference now desired. Their names were accordingly called over, and they withdrew to the House of Peers, and in a short time returned with the Resolutions agreed to.

The Committee on the State of the Nation was, upon motion, put off till to-morrow.

The Masters in Chancery having brought a message from the House of Lords, requesting a present conference, and the same having been read from the Chair,

Mr.

Mr. Burke rose, to enquire about the subject matter of the intended conference. Rumour had circulated, that a proceeding of considerable importance was about to take place in the other House of Parliament; he trusted, therefore, that the Right Hon. Gentleman would give them some information on the subject, and the Resolutions having been sent up from that House, would state to them what was the next step they were to be called upon to take, that they might not wander in the dark.

The *Chancellor of the Exchequer* said, he saw no great impropriety nor irregularity in the present proceeding, nor in the steps they had hitherto taken. They had sent the Resolutions as soon as the House had voted them, up to the House of Lords, and now a conference was demanded by the Lords; it was impossible for him to state what would pass at that conference, but he should suppose the object of it very probably was to let them know, that the House of Lords had agreed to the Resolutions sent up by that House, and surely no Gentleman would object to the conference that was desired, but consider it as a matter of course.

Mr. Burke said, if he had risen to oppose the conference, the Right Hon. Gentleman's answer would have been not only strong, but a fair one; but he appealed to the House, whether he had objected to the conference; he had merely risen to ask for information, and that information was, it seems, denied the House. *Mr. Burke* added some general reflections on the steps that had been taken by the two Houses hitherto, and said, every step they proceeded, was an attempt to introduce some new principle in the Constitution.

The *Chancellor of the Exchequer* said, no man could be more ready than he was, at all times, to give every information that he could, with any sort of consistency, to that House; whenever he had a measure to propose, he was ready to open it fully after due notice given; and when the time of the notice was not thought sufficient, he was, at all times, willing to enlarge it; but surely it was not introducing any new principle in the Constitution, for him, as a member of that House, to refuse giving any information of what was about to pass in the other House, of which, as a member of Parliament, he could not be supposed to know any thing.

Mr. Burke contended, that sending up the Resolutions to the House of Lords, tended fundamentally to destroy the deliberative capacity of that and the other House of Parliament. Voting Resolutions in the abstract, was, he said, a new mode of proceeding attended with much inconvenience. Their former regular way had this advantage; they were not committed by the other House, but had frequent opportunities of knowing whether the bill, introduced by the other House, and grounded
upon

upon their Resolutions, was a monster or not. By the mode that had been adopted, of their voting Resolutions in the name of the House of Lords, and obtaining the subsequent concurrence of that House, the House of Lords had pledged themselves to the bill founded on those Resolutions, and that House in the same respect were pledged, so that the two Houses were mutually pledged to each other; a circumstance that tended to undermine and take away the deliberative capacity of both. For this, Mr. Burke said, they had but one precedent, and that was the Irish Propositions, but at that time much weighty and serious argument had been urged against such a mode of proceeding; for his part, he thought the reason assigned for it a bad one at that time, and he thought so then. The same reason, however, did not then exist, viz. that they were obliged to wait for the concurrence of a third party. Mr. Burke added some farther observations.

The question was then put, and it was agreed, that the requisition of the House of Lords be complied with, and a present conference held in the Painted Chamber.

As soon as the conference was over, the *Chancellor of the Exchequer* informed the House, that the next step he should propose, would be to lay the Resolutions, voted by the two Houses, before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness was willing to accept the Regency upon those conditions, and therefore he gave notice that he should make a motion for an humble address for that purpose, the next day.

Mr. Grey said, he did not rise to object to the proposed address; perhaps many members might not be apprized of such a measure being intended. He rose to observe, that the Right Hon. Gentleman did not seem to have made up his mind to any plan whatever; if he had, he would ask the meaning of the present proposition for laying the Restrictions before his Royal Highness the Prince of Wales; and addressing the Prince, to know whether he would accept the Regency on those conditions or not? He had heard, Mr. Grey said, in a Committee, from an authority which he was bound to consider as one of the first authorities in that House, that they were a regular Parliament. If then they were a complete Legislature, he knew not why they should address the Prince of Wales at all. He thought it the less necessary, since it was understood that the Restrictions had already been communicated to the Prince. He could not, therefore, but express his surprize at the unconnected and inconsistent mode upon which they were every day proceeding, without system or plan of any kind, and every step tending more and more to procrastinate, while the Right Hon. Gentleman was daily complaining of the mischiefs of delay.

The *Chancellor of the Exchequer* said, whether he had been the person in any part of the proceeding to manifest a desire to delay, was a matter on which he would not say one word; he would leave it to the judgment and recollection of that House, and of the impartial public, to decide. Let them recollect the steps they had taken; they had, in the first instance, examined his Majesty's physicians, and ascertained his incapacity; an intention having then been intimated to assert a Right to assume the exercise of the Royal Authority, it became necessary to discuss that point, and decide upon it; having done so, the House had proceeded to lay the grounds upon which a bill was afterwards to be brought in, appointing and declaring a Regent; these grounds were contained in certain Resolutions, which they had sent up to the other House, and now awaited their answer. Having laid down the principles of the government to be established during the present critical time, the next step they had to take, before they put it into the form of a law, was to endeavour to know, whether his Royal Highness the Prince of Wales was willing to accept the Regency, upon the principles contained in the Resolutions. Whether there was any thing unsystematical in that mode of proceeding, he would not then take notice. With regard to the Restrictions having been already communicated to his Royal Highness, that House and the other could not act on any supposition, of a private communication between his Royal Highness the Prince of Wales, and his Majesty's Ministers. They must proceed in that Parliamentary method, which could alone furnish them with information, of sufficient authenticity, to warrant any further proceeding: with this view it was, that he should move an Address to his Royal Highness, but as it would not be orderly to debate the Address before it was moved, the Hon. Gentleman must excuse him, if he did not go into it, as the Hon. Gentleman seemed to desire; the motion for an Address was, as he should conceive, a motion on which it would be impossible to hear a dissentient opinion.

Mr. Grey said, he certainly rose not to debate the Address before it was moved. When he had stated, that his Majesty's Ministers went on without any plan or system, he stated what appeared to him plain upon the face of it. The Hon. Gentleman, in answer to the charge of delay, had desired Gentlemen to exercise their recollection; the House had no occasion, however, to carry their recollection far back, since the conduct of the Right Hon. Gentleman that day, was a sufficient proof of the desire of delay, which he had imputed to him.

Mr. Jolliffe reminded the House, that when he had lately put the question to the Right Hon. Gentleman, whether he had communicated the Restrictions to the Prince, the Right Hon. Gentleman had said, it was an unparliamentary question; but

now

now the Right Hon. Gentleman openly moved, that they should be communicated. He seemed to see that he had proceeded in the dark, and that he must begin *de novo*. If the Right Hon. Gentleman would have the good sense to consult the gentlemen of the law, they would advise him to abandon the circuitous and indirect path, and to do what was, in his poor opinion, right, and he believed he might say, right in the opinion of the nation, declare the Prince of Wales Regent, without any Restrictions at all.

Mr. Burke charged the Chancellor of the Exchequer with acting arbitrarily, and making *sic volo, sic jubeo, stet pro ratione voluntas* the rule of his conduct. The Right Hon. Gentleman said, the only cause of delay, had been the discussion of their right to act. He desired to know, who it was that had questioned that right? Where was the question to be found? Because some people seemed inclined to debate the question, the Right Hon. Gentleman had forced the House into the discussion, and in his haughty style said to the House, "Slaves, do you presume to hesitate, or hint a doubt upon the matter, I will put an end to your scruples. The question shall be debated, it shall be decided."

They all knew, Mr. Burke said, the terms of the dominion the Right Hon. Gentleman meant to exercise over the Regent's government, terms of as absolute tyranny as any exercised by Julius Cæsar, Augustus, or Oliver Cromwell. With regard to the doubt of that House's right to act, of which the Hon. Gentleman had talked, no man meant it, no man had said it, but the Right Hon. Gentleman had stooped from the dignity of the supreme sovereignty which he had assumed, to combat a right that had not been claimed. Mr. Burke said, he disliked that union of the Fox's tail and the Lion's skin. It was an unnatural junction of low cunning and supreme authority. He added other warm remarks, tending to charge the Minister with having been the true cause of all the delay that had taken place.

Sir Joseph Mawbey began with remonstrating against Mr. Burke's suggestion, that any man could exercise tyranny over that House, be his station ever so exalted. Sir Joseph spoke highly in praise of the Chancellor of the Exchequer, but declared he for one never could allow that Regents were Kings, or that they had an equal right to the unrestrained exercise of sovereign power. He knew there had been Regents who had done honour to their own characters, and met the approbation of the people. The House might learn, he said, from the papers of that day, the contents of the letter of the Minister to the Prince of Wales upon the subject of the Restrictions, and the Prince's answer. Sir Joseph spoke of the peculiar circumstances of the case, as warranting a peculiar mode of proceeding, because,

should the King, in the course of a few weeks, a few months a year, or a year and half recover, and be able to resume the reins of government, it was the duty of the two Houses to provide, that his re-assumption of the exercise of the Royal Authority should not be impeded or embarrassed. Sir Joseph maintained, that the people, from whom all power was originally derived, had an indisputable right whenever a convulsion of the government, or a temporary suspension of the exercise of the Royal Authority occurred, to say what authorities should be vested in those appointed to rule the realm, and to prescribe such limitations and restrictions as they should think proper.

Mr. Sheridan wished to ask the Right Hon. Gentleman a question. What he had said, in general terms, of the intended motion for an address to the Prince of Wales, might do for those who would wish to give an implicit confidence to every thing that fell from the Right Hon. Gentleman; but there were other descriptions of men who might reasonably expect a more satisfactory answer. As the Restrictions stood, the Right Hon. Gentleman would be pleased to recollect, there was nothing in them that intimated that they were calculated to continue for a limited time only. Upon the face of the Resolutions, they appeared designed to be permanent; he therefore submitted it to the Right Hon. Gentleman, whether it was not absolutely necessary, by some means or other, to signify to his Royal Highness the Prince of Wales, that they were meant to continue in force only for a limited time. Perhaps the Right Hon. Gentleman meant to do it in the Address, but certainly it was material, that it should be done one way or the other. *Mr. Sheridan* said, he understood there was to be a Commission passed, to open the Parliament as soon as the Prince's answer to the Address was received, and it was said, that his Royal Highness was to be one of the Commissioners. He hoped, therefore, the Hon. Gentleman would inform the House how the Commission was to be constituted? *Mr. Sheridan* pressed the necessity of signifying, that the Restrictions were to be only for a limited time, since, as the Resolutions stood, there was nothing contained in them, which led to any other idea, than that of their being permanent.

The *Chancellor of the Exchequer* said, when the Resolutions had been carried to the Prince of Wales, and the answer of his Royal Highness obtained, it would then be time enough to discuss the propriety of the Commission to be passed for opening the Parliament.

Mr. Sheridan asked, if there was not some danger in adopting that mode of proceeding? He described the awkward situation in which it would place the Prince, by stating, that if the Address were presented with the Resolutions, and the answer was, that

that his Royal Highness was willing to accept the Regency on those conditions, whether, when the commission was issued, and the Prince might not chuse to have any thing to do with it, he would not be precluded from refusing, and be considered by his answer to have pledged himself to consent to all the subsequent proceedings relative to the appointment of the Regency?

The *Chancellor of the Exchequer* repeated, that his first object would be to carry up the Resolutions, and the other matters, such as the ordering a Commission to be issued in the King's name for the opening of the Parliament, &c. &c. would come under discussion hereafter. The Chancellor of the Exchequer moved to discharge the order of the day, and that the Committee on the state of the nation stand for Wednesday.

Mr. Burke said, as the Address to the Prince of Wales was to be moved only to-morrow, and it would be probably late in the evening, before the Address could be presented, there would scarcely be any time for receiving the Prince's answer, before they went into the Committee on the State of the Nation on Wednesday.

The *Chancellor of the Exchequer* said, he had named Wednesday as the nearest open day. That the House would, next day, be better enabled to judge, after the debate on the Address should be over, whether they ought to move the order for the Committee on the State of the Nation to a future day or not, and the whole matter would be at their disposal.

The House rose at Six o'clock.

TUESDAY, JANUARY 27.

HOUSE OF COMMONS.

ADDRESS TO THE PRINCE OF WALES.

ABOUT a quarter before five o'clock, the House being exceedingly impatient, had called repeatedly for the order of the day.

The *Chancellor of the Exchequer* having at length come down, the order of the day was read, for the House to consider of an Address to the Prince of Wales, praying him to take upon him the Government of the kingdom, consistent with those Resolutions which had passed both Houses of Parliament.

The Chancellor thought it necessary, before any steps were taken, to reduce the Resolutions into an Act of Parliament, that

they ought to Address the Prince, to ascertain if he would accept the Government of the kingdom, subject to the principles contained in the Resolutions. If not, from what had fallen in the course of the conversation of yesterday, he could have no doubt but his Royal Highness would have accepted of a proposal so much for the benefit of the country. He was, however, so far from conceiving what possible opposition could take place on the part of the Prince, that he could not anticipate it, or combat it with any arguments on his part: he would, therefore, content himself with simply making a motion:—

“ That a Committee be appointed to lay the Resolutions before his Royal Highness the Prince of Wales, which empower him, subject to the limitations and restrictions contained therein, as soon as an Act of Parliament is passed for that purpose, to take upon him the Government of the kingdom, and pray that he may be graciously pleased to accept the important trust.”

Sir Grey Cooper thought there was something exceedingly mysterious in the conduct of the Right Hon Gentleman, throughout the whole of the business. He had laid it down as a position, that the two Houses only had the power to legislate, and that these were the only two legal organs of the constitution now in existence. One of these seemed, he said, extremely out of tune; some few notes had come down the gallery, that destroyed the harmony of the whole; the masters had not previously agreed on what parts were to be performed, and by the occurrence of the present interlude, their whole plan was deranged, and there was no unison in their measures. As to addressing the Prince to accept of the Regency, as a preliminary step to bringing in a Bill, he thought it unnecessary and absurd. The Right Hon. Gentleman had been called on for papers, which he refused to produce, but which are since laid before the public; these papers shew us, that the Prince will accept the charge of the Government, shackled and insulted as he is; and they serve also to bring forward the splendid talents of his Royal Highness: they do more, they shew that he reveres the Constitution, and that his mental are not exceeded by his personal accomplishments.—In the letter he alluded to, it was evident, the Prince submitted himself totally to the wisdom of Parliament; where then was the necessity of taking this preliminary step in the introduction of a Bill, if the Right Hon. Gentleman did not doubt the veracity of his Royal Highness?—He advised him to desist from making any further experiments on the Constitution;—and to let the three branches of the legislature be complete before any Bill was attempted to be passed, which, as being deficient in the Royal Assent, would remain a precedent of a most dangerous and alarming nature. As to the latter part of the Address, it precluded the House from giving any future opinion on the Bill, and went to destroy the
privilege

privilege of debate: Addressees, he said, should always be watched with a cautious eye; for, in the hands of a designing man, they could easily be made instruments to impose on the House, and limit the powers of Parliament.

Lord Belgrave denied that the House was precluded from the privilege of debate, by the adoption of his Right Hon. friend's Address—he thought it essentially necessary to lay the Resolutions before the Prince of Wales, to know whether he would accept of the Regency on such conditions or not; for, if he did accept them, then the House would proceed as speedily as possible to finish the business; if he did not, then another mode must be adopted to complete the legislature—he thought it extremely disorderly, to bring into the subject of debate, any matter which had occurred out of doors; he judged from what had come before the House—he knew the worth and integrity of his Right Hon. Friend, who proposed the Address; and he was firmly of opinion, when he considered the calamitous situation of the nation, that the present was the proper stage of the business, to procure that necessary information, whether his Royal Highness would or would not coincide with the wishes of the people, in the acceptance of the Royal power and dignity.

Sir John Swinburne was of opinion, that the Prince conferred a very high compliment on the people, by accepting the Regency in the crippled and disgraceful manner in which it was offered to him, and he thought, that at least that return was due to his Royal Highness, that after he acquiesced in the desire of the House, that no alteration should take place, nor any new matter be introduced in the Bill, exclusive of what he is taught to believe, from the complexion of the Resolutions.

Hon. Dudley Ryder alluded to what had fallen from the Hon. Baronet; who, he said, seemed concerned that he should make any alterations in the Resolutions respecting his Royal Highness now, since he had not done so before. On this ground he would take upon him to prove the impropriety of the House pledging itself, that no new matter should be introduced in the Bill, which was to be founded on the principles of the Resolutions. By the Hon. Baronet asking the House to pledge itself, he certainly could not consider how far he extended his request: for, if the House could adopt such a measure, if there was a necessity to soften, he asked, what would the consequence be, if we were bound only to the present Restrictions; if any thing was introduced in the bill, favourable to the Hon. Baronet's sentiments, his approbation would, by his own act, in that case, be void.

Sir Charles Gould hoped, that, after the suffrage he had given, it would not be deemed personal in him to say, that he must consider Parliament without a Speaker; for, without the approbation of the Royal Authority, he did not think he was qualified to

fit in the House as Speaker, nor was the House competent to act.—He was, he professed himself, very averse to the treatment given to his Royal Highness, and the want of confidence betrayed in the Resolutions;—he knew there was no right existing in the Prince of Wales as Regent to succeed his Royal Father, without the approbation of Parliament; and if his Royal Highness had made such claim on the supposition, or for presumption of right, he would be the first, and as earnest to resist that claim as any of the 227 Members, who *imagined* they opposed it.—As there had been no ground for the rumour, that the Prince ever did make that claim, as a matter of right, and all his friends reprobated the idea, he must confess himself an enemy to the Restriction, and the principles of the Address.

Colonel Phipps insisted, there was absurdity and inconsistency in all the arguments which fell from the Hon. Baronet and his party; it was asserted on that side, that the Prince had a positive right, (a cry of *no, no*) he said, as the Right Hon. Gentleman who made the assertion was not in his place, he could not contradict—he was, for the present, content with approving of the mode of Address, and of the conduct of the Right Hon. Gentleman who had moved it.

Alderman Newnham called upon the Right Hon. Gentleman to state the whole of the Resolutions he meant to offer in the House, in the Address, that his Royal Highness might be fully apprized of every measure intended to be taken; as it was necessary, previous to his pledging himself to accept the Regency, that the whole Resolutions relative to it should be known. They ought not, the Alderman said, to proceed piece-meal, and make the Prince accessory to a Bill injurious to himself in points, on which he had received no previous information.

Mr. Grey alledged, that through the whole course of the Minister's unaccountable conduct respecting this business, whether it proceeded from disunion of sentiment in those with whom he acted, or from whatever cause, there was an absence of system and method, which was as difficult to be explained, as the measures themselves were incapable of being defended. The mode, such as it was, had been described by some as plain, simple, and direct; and, in this praise, he was ready to concur, if any one could prove to him, that intricacy was plainness; that embarrassment was simplicity; and that directness was to be traced in indecision and uncertainty. The order of a good plan was always to be found in its proportions and symmetry; but the disorder of a bad one, was evident in the absence of both. Nor did he see any one end the motion now before the House would tend to, except the introduction of delay. If such an Address was thought necessary to his Royal Highness, it should have been done previous to the discussion that the subject had undergone.

He

He admitted that the correspondence which the Minister, very singularly, called a *confidential* one, between him and the Prince of Wales, was not matter for the House to go upon; and when they were about to lay before him their plan, they ought certainly to submit the *whole* of it, which could not be done till the different provisions should be made in the Bill. If it was meant as matter of respect to the Prince, he could only wish that his Royal Highness had been treated with a little more of it in the course of these proceedings. He asked what would be the effect of the communication in the present stage? The Prince, by any answer he might give to these Resolutions, could not be supposed to bind himself to the acceptance of the Regency under such other limitations or alterations as they might undergo, when in the shape of a Bill; nor could the Houses so bind themselves to the precise circumstances contained in these words, as to preclude all further discussion of them in the subsequent stages.

One circumstance in particular had been started in the House, which seemed to have the countenance of persons in authority on a former day, which was to grant these limited powers only for one year. He did not know whether, under the unfavourable Limitations proposed, the Great Personage alluded to would accept of the Regency during the indisposition of the sovereign; but was not inclined to think that he could possibly accept it as an annual office. He believed him to have too great a regard for the principles of the Constitution over which he was to govern, to suffer himself to be made the instrument of converting a free Hereditary Monarchy into a Republican Office of annual election.

By an easy digression, he next got upon the subject of the sense of the people at large, as applying to the present question; and wished to know of Sir Joseph Mawbey, who first mentioned it the day before, whether he collected the favourable sentiments of the people respecting the Minister, from any late occurrences in Surrey, or from the present estate of his own popularity in that county? As to Addresses in general, he knew little of them but from the papers, with one exception to the county of Northumberland, which he represented, and in which the opinion of the electors were unanimously against the Minister.

He concluded by urging an expedient, which, though he by no means approved, he was willing, from constitutional motives, to recommend, in preference to the proposed plan of Mr. Pitt. What he recommended was, that the Resolutions should be communicated first to the Prince, and an understanding take place, in which his Royal Highness should engage to give the Royal Assent to any Bill offered, for confirming the limitations in a formal and constitutional manner, when the Regency should be established.

Mr.

Mr. Brandling said, in the opulent and populous town which he represented, (Newcastle) they had held an assembly of 600 of the principal inhabitants, who, without a dissenting voice, voted an Address to the Right Hon. the Chancellor of the Exchequer, which Address was signed by upwards of 900 respectable persons. He was exceedingly happy to have that fact, which met with his warmest approbation, to state to the House; in contradiction to the Hon. Gentleman's assertion of no Address, excepting that from Devonshire, having been voted with unanimity. With respect to the opposition, the Address had met with, in the county of which the Hon. Gentleman was representative; he begged to say, that he knew, from the best authority, that it was in consequence of the High Sheriff's reprehensible—puffillanimous and contemptible conduct. [A cry of *order! order!*] He said, he begged to be heard, and he would explain what he meant—

Mr. Francis spoke to order! He said he knew nothing of the High Sheriff of Northumberland, but he considered it to be highly disorderly to brand with such unbecoming language, the name and character of any Gentleman in any county; it was language, he said, unfit to be suffered in any society of Gentlemen.

A general cry of order! order! was again called from all sides of the House, when

Mr. Bouverie rose to speak to order! and declared, he considered the present conversation as exceedingly improper, being totally irrelevant to the subject before the House.

Lord Belgrave also spoke to order, and desired the motion before the House might be read.

Mr. Brandling again rose, and said, he seldom troubled the House. It always distressed him to be interrupted, but still more to be interrupted in such a manner as he had been. He declared he meant no personal reflection on the High Sheriff of Northumberland, and was proceeding to state the history of the transaction to which he alluded, when he was again loudly called to order!

Mr. Bouverie spoke to order! and begged of the Speaker to prevent such disorder being repeated.

The *Speaker* expressed his concern on the disorderly turn of the debate; and declared, he would state why he had not interrupted the Hon. Gentleman. He said, he felt no part of his duty more irksome, than the extreme difficulty of interrupting Gentlemen when they went from the question, and had refrained at present on the ground of the House having suffered one Gentleman to speak on the subject.

Mr. Brandling again spoke, declaring he alluded to the High Sheriff's public conduct only, and nothing else. He said, the Northumberland meeting had been tumultuous, and the Address

Address prevented, by the riotous behaviour of about thirty persons, who had assembled round the chair, when a worthy magistrate, who had been many years chairman of the quarter session, was forced from the chair, so that he was scarcely able to save the parchment the Address had been written on.

Mr. Grey remarked upon the words *pusillanimous* and *contemptible*, which had been spoken by the Hon. Gentleman, and declared, if he was inclined, however, to use such language, he would not have taken the advantage of stating it in the absence of a person on whom it was spoken, and when he could not defend himself.

Mr. Brandling replied, that his conduct and character were equally respectable with those of the Hon. Gentleman, or any of his friends.

Sir Joseph Mawbey justified himself from *Mr. Grey's* attack, spoke of the approbation of his constituents of the measures of the hour, and declared, that his interest in the county of Surrey would not be easily shaken.

Mr. Bouverie again spoke to order! and said, so disorderly a conversation ought immediately to be stopped.

Mr. Martin conceived, it would have been more candid, for the Hon. Gentleman (*Mr. Bouverie*) to have proposed to stop the disorderly conversation at first, when it began, than at the present moment.

Sir Joseph Mawbey again spoke, and, after alluding to his popularity in the county he represented, declared the freeholders, who had assembled at the election of the noble Lord, lately chosen his colleague, had drank his health in a manner highly flattering to him. *Sir Joseph* agreed with the motion, conceiving it necessary, that the House should be authentically informed, whether his Royal Highness would accept the Regency under the Restrictions agreed upon or not.

Lord William Russell felt himself particularly called upon, in consequence of what had fallen from the Hon. Baronet, relative to the inhabitants of the county of Surrey being devoted to the Ministers of the hour. He was persuaded that the freeholders of Surrey were well acquainted with the principles of the family, to which he had the honour to belong, and he did not think there had been any thing in his conduct, that could make it doubted, that he would support the Constitution on the principles of his ancestors; he considered it as a reflection on the county of Surrey to say, that they supported the present Administration, and, he believed, that they would soon shew that they would not be attached to that man, who was, no doubt, attached to the Minister of the hour. His Lordship concluded with objecting to the motion, which he conceived tended to nothing but delay.

Sir

Sir Joseph Maubey replied, and said, he had alluded to the measures, not the Ministers of the hour. He had never said the freeholders of Surrey were devoted to the Minister. He had sat for thirty years in that House, endeavouring faithfully to discharge his duty to his constituents. He had always voted as an impartial and disinterested man, and had no doubt of the approbation of his constituents, and the continuance of their partiality.

Mr. Christian called the attention of the House to the motion before them, and said, it was their duty to extinguish all party considerations.

Mr. Fitzherbert rose, and being an inhabitant and a freeholder of Surrey, was speaking on the subject of the Minister's influence in that county, when

Mr. Vyner rose to order !

The *Speaker* thought the debate had gone wide from the question, and lamented the time it had taken. He urged the necessity of confining the debate to the question before the House, and hoped to have the assistance of the House in preventing future disorder.

Mr. Bouverie then rose to speak to the question. He thought they ought to enter on the subject of appointing a Regent as soon possible. He was willing to agree with the Address, if no further Restrictions were meant to be incorporated in the bill than the House had agreed to, but if any additional Restrictions were intended, he should vote against them.

Mr. Sheridan said, he was not going to enter into that part of the debate that respected the question of order, nor to go at large into any argument to prove that there was an evident want of system, though, in that part, he must agree with his Hon. Friend near him, and likewise in his assertion, that the measures then proposed would cause delay.

There were two things, *Mr. Sheridan* said, that he owned would incline him to agree to the Address; one of these was, that it was understood that the idea, so hastily suggested on a preceding evening, of limiting the duration of the Regency, was abandoned, and the reducing the form of the Constitution to a Republic, by making the election of a supreme Governor annual, would no longer be insisted on. He declared, when this idea was first started, the Right Hon. Gentleman seemed to be ready to embrace it; he could not, therefore, but wonder at the sort of acquiescence manifested by the House, at a proposition of so monstrous a nature, pregnant with such extensive mischiefs, and tending, in the first instance, to change the form of the Constitution.

Mr. Sheridan reverted to what he had mentioned the day before, viz. that the Resolutions, upon the face of them, appeared to be final and permanent, since they contained nothing that

pointed

pointed out, that they were calculated merely to subsist for a limited time, and to answer an emergency of only a temporary nature, although upon that single ground, urged again and again by the Right Hon. Gentleman himself, and other Gentlemen, in debate, had the House been called upon to vote the Resolutions. He enforced the necessity of accompanying the Resolutions, when laid before his Royal Highness, with some intimation of this very material circumstance; and before he sat down, declared he would move an amendment to the Motion, in order to add words to that effect. Another point was, that the scheme of setting up what had been properly enough termed a phantom and a shadow to represent the third Estate, was to be abolished; if the fact were so, he should rejoice exceedingly, because he could not but regard the resorting to such a mode of obtaining the Royal Assent as a fallacy, and a violation of the Rights of the third Estate, by an assumption of the exercise of those rights in the two Houses of Parliament, to whom it did not constitutionally belong. The Right Hon. Gentleman over against him said, the House had already determined on that point; but he begged leave to say, that they had not determined it; they had, indeed, talked of it, and loose hints had been given, in the course of debate, of the nature of the thing intended to be put in practice; but all they had decided was, that it was necessary for the two Houses to *determine* on the means by which the Royal Assent should be given to a Bill; now there was a wide difference between resolving that it was necessary for the two Houses to determine on the means, and the means themselves.

Another matter, which as yet remained wholly unexplained, was the degree of state and attendance, which the Right Hon. Gentleman had said, he meant to move to be annexed to his Royal Highness the Prince of Wales, in the room of that power and patronage, which, by the fifth Resolution, he had proposed to take away from him. As the Right Hon. Gentleman seemed to mean to retain that office, and give up every other, he wished, at the same time, that the Restrictions were laid before his Royal Highness, the Right Hon. Gentleman would insert something in the Address to apprise his Royal Highness of the intention, that he might know what he was to expect would be contained in the Bill, and that it was to contain something else besides the Restrictions.

Mr. Sheridan added a few pertinent observations, and concluded with moving, by way of amendment, to add to the Motion, "That the Restrictions were formed on the supposition, that his Majesty's illness was only temporary, and might be of no long duration." These words, he said, he had taken out of the Right Hon. Gentleman's letter to the Prince of Wales, that was already before the public, and therefore he did not imagine, that

that any objection could be made to his amendment by the Right Hon. Gentleman, or any other Member, but that the amendment would be agreed to as a matter of course.

Sir James Erskine seconded the amendment, and it was then read from the Chair.

The *Chancellor of the Exchequer* said, he would first notice the Hon. Gentleman's ground for the amendment that he had moved. It was true, he had argued, that the Restrictions were such as were fit only to be applied for temporary purposes; but though the necessity for them was supposed to be only of a temporary nature, it was impossible to fix, before-hand, the precise time when the necessity for their duration should cease.

The Hon. Gentleman had stated, that he had selected the words of his amendment from a certain publication; but if he would refer to the publication in question, he would find that he had selected words from one part of it, which were followed by another, in which the idea was fully explained. He could not, therefore, avoid objecting to the amendment, as containing a partial selection of words from a publication, in which an explanation of that partial selection was to be found. The Hon. Gentleman, it was clear, had not heard the Motion that he had delivered to the Chair with attention, or had forgot the words of it, since, if it were examined, it would be found to contain words that expressly marked, that the Restrictions were only temporary. The Chancellor of the Exchequer read the part of the Motion to which he alluded, wherein it was stated, that the Restrictions in question were such as appeared to them proper to be adopted, under the *present* circumstances of the case. What could be so fair, as stating the Limitations and Restrictions to be framed on the principle of being such, as the occasion appeared at present to require? The Motion, therefore, in his opinion, was sufficiently expressive of all that need to be noticed, and of course precluded the necessity of the Hon. Gentleman's amendment.

The Chancellor of the Exchequer next took notice of Mr. Sheridan's having expressed his hopes, that the idea of limiting the duration of the Regency was abandoned. He reminded the House, that he had objected to any particular time being stated for the duration of the Restrictions, but an Hon. Gentleman then behind him [*Mr. Pulteney*] deservedly of great weight in that House, had proposed to limit the duration of the Bill, and upon its being objected to by a Right Hon. Gentlemen, not then present, who had stated, that such a limitation as went to the election of a Regent, from time to time, tended to create a Republic, and to alter the form of the Constitution; in answer it was said, that the period of limitation should extend to the power as well as the Restrictions; and he must confess, that he thought it less an evil, that limitations should be put on the whole,
than

than on a part of the plan. He had, himself, mentioned no limitation at all, but had thought it best left open for the House in future to judge of the nature and circumstances of the case, and therefore he had begged the Hon. Gentleman not to press them, at that time, a requisition, with which the Hon. Gentleman had concurred.

One of those champions of the Constitution, on the other side of the House, had thought no ties ought to be fixed to any part of the Bill. He must, however, repeat, that if it should be thought proper that any part were to be limited, the power should be limited likewise; because, otherwise they let the power of providing in future, as the nature of the case might require, go out of their hands, and the Prince of Wales would be bound only for a limited time, while they would be subject, not only to the inconvenience, but would lose the claim of being attended with all the convenience possible, because the convenience was, their reserving it in their own power to act upon their discretion, as the necessity of the case might demand. At present they did not know but the Bill might be objected to by the Prince, and if so, a very different mode of proceeding must be adopted; but if the Prince should agree to accept the Regency, on the conditions stated in the Restrictions, what then would be the consequence? The Bill would proceed after the Parliament should be opened. The House could not be pledged further than their honour and judgment had led them in framing the present Resolutions, and, on the other hand, he could not answer better than as an Hon. Friend of his behind him had expressed himself; if the Bill altered the conditions stated in the Restrictions, or superadded new ones, in that case the Prince could not be considered to be bound by his answer to the Restrictions then under their consideration, whatever that answer might be. But he would ask, which was most probable, after having voted the Restrictions; should they abide by them, or depart from them? If the House departed from them, they would lose the object they aimed at, and all they had hitherto done would be matter of fruitless labour and useless discussion. The spirit of the Resolutions contained every thing that appeared to him necessary to be decided, before they proceeded to the immediate step, of opening the Parliament, and moving a Bill; had any thing else occurred to him as necessary, he certainly should have proposed it. The spirit of those Resolutions was, that all the Royal Power should be exercised by his Royal Highness the Prince of Wales, in the name and on the behalf of his father, subject to the Restrictions that were specified. He hoped, therefore, that his Royal Highness would not object to the Restrictions, and that the House would not find any material inconvenience in presenting the Motion, with the Resolutions, to his Royal Highness; but

but if it should even prove a material inconvenience, he trusted it would be deemed an inconvenience necessary to be incurred; as it would ensure their future proceedings, and rescue them from the hazard of losing much time, and giving themselves much further unnecessary trouble.

He took notice of the charge of want of system, and want of method, and of intentional delay on the part of his Majesty's Ministers, that had been lightly and wantonly thrown out, but which, he said, had not been supported. He reminded them of the steps they had taken, as the best refutation of that charge, and said, that after having ascertained the fact of the King's incapacity, they had proceeded immediately to the object in view, but their progress had been interrupted by the assertion of a Right in the Prince of Wales to assume the exercise of the Sovereign Authority, an assertion which necessarily and unavoidably called for discussion and decision before they proceeded a single step. The ground cleared of that Question and the two Houses having resolved, that the right of providing the means of supplying the defect in the executive authority was in them, and that it was their duty to exercise it, a new delay was occasioned by a declaration, that it was necessary to have a further examination of his Majesty's Ministers, accompanied with such statements as made a further examination of the Physicians unavoidable; but it was to be remembered, that the delay originated not in his Majesty's Ministers, nor on that side of the House. That examination over, they had debated the Restrictions thought necessary to be agreed to by the Regent, under the present circumstances of his Majesty's probability of recovery, and were now arrived at the point, when it was necessary to lay their Resolutions before his Royal Highness the Prince of Wales, in order to know whether his Royal Highness would accept the Regency on those terms or not.

Having thus stated the outlines of the principal of their proceedings, it might possibly be said, that they had been too critical and too minute; in answer to that he would ask, could they be too critical and too minute in questions deeply and materially affecting the constitution of the country? Among other things which might console them for the time they had spent, he could assure the House, notwithstanding the mysterious insinuation of a want of harmony among those who ought, on such an occasion, to agree, made by an Hon. Baronet in the beginning of the debate, that no difference of opinion, however some Gentlemen might wish it, had prevailed. So far from it, he had great pleasure in telling the Hon. Baronet and the House, that there not only had been no interruption of harmony among those, whose task it was to co-operate in the present arduous situation of affairs, but the more they had thought of the plan of proceedings, that

that they had felt it to be their duty to propose, the more they were confirmed in their original opinion of it, and were the more determined uniformly to concur in completing it to the utmost, as an act of indispensable duty to their Sovereign and their country.

With regard to the charge of delay, likely to be occasioned by the present motion, in point of fact, he did not think it probable to be so great as the Hon. Gentleman had suggested; but, if the measure was, as he thought and stated it to be, a necessary measure, though he had all along been, as the House well knew, an advocate for dispatch, he should be of opinion, that, in so very important a point, doing the business well, was preferable to doing it speedily. The difference with regard to opening Parliament, however, could not be a week. If that House voted the two Motions for the four first Restrictions to be carried up to the Prince, and the fifth Resolution to the Queen that night, they would the next day carry them to the Lords, who would discuss the propriety of voting them, and probably might vote them the same day; in that case it was not impossible that they might receive his Royal Highness's answer on Thursday. And the execution of what had been called on the other side of the House a phantom, (but which, he trusted, when explained, would be found not to be an imaginary, incorporeal being, but of the solid and material substance of the Constitution) might, either in that House or the other, be entered upon the same day; if in that House first, the House of Lords might sit on Saturday, and the Bill be brought in and entered upon early next week, perhaps on Monday, and the whole system, as far as regarded that House, compleated in the course of that week.

An Hon. Gentleman, he observed, had said, that he was no enemy to any mark of respect and attention being shewn to the Prince of Wales, but that, throughout the measure, there had been a manifest want of attention and respect to his Royal Highness.

The Chancellor of the Exchequer declared, he had never thought it necessary to take notice of the numerous anonymous libels, that had so industriously been put in circulation throughout the town, and throughout the country. To such libels, avowed by no person, it was impossible to give an answer; but if any man thought there had been real ground for a complaint of want of respect and attention towards the Prince of Wales, in any part of his conduct, he called upon that man, in truth and in fairness, to state the instance, and he would cheerfully meet the charge. He considered respect to his Royal Highness the Prince of Wales as one part of his duty to his Sovereign. It was inseparable from it. But though he should be extremely sorry to be deficient in that exterior and ceremonious respect,

that was justly due to the Prince of Wales, yet what he owed to his Sovereign, to the Constitution, and to the people of England, was paramount to any personal respect due any where. Though it was paramount, however, to all degree of personal respect, it was not inconsistent with such a compliance with decorum; he ever had, and he ever would, pay the same respect to his Royal Highness the Prince of Wales as to all the rest of the Royal Family, and to the Sovereign himself. The truest respect he could pay to all of them, was to cultivate the interests of that nation, which the ancestors of the present Royal Family were called upon to govern, and to watch over the safety of that Constitution, which his Royal Highness the Prince of Wales would one day be called upon to protect.

Mr. Grey rose as soon as the Chancellor of the Exchequer sat down, and said, he felt himself rather awkwardly situated, and the more so, as he could not bring forward any charge of the nature in question without appearing to speak from some authority; but as he had, undoubtedly, accused the Right Hon. Gentleman of having treated his Royal Highness the Prince of Wales, with want of respect and attention, he would proceed specifically and distinctly to make out what appeared to him to be sufficient grounds for that charge, being determined never to flinch from what he should at any time say in that House. Whether what he should offer might appear in the same point of view to the House, was not for him to determine, he only begged them beforehand to understand, that he spoke his own sentiments, without consultation with any one, and without the privity and concurrence of any individual whatever.

The Right Hon. Gentleman appeared to him to have shewn a manifest want of respect and attention to the Prince of Wales, in the first place, in the manner in which, when the Privy Council was summoned to examine his Majesty's Physicians, the intimation of its being convened, and the object of it was communicated to his Royal Highness, that being done by the same sort of ordinary summons as was sent to the other Members of the Council. This was, *Mr. Grey* said, either in the Right Hon. Gentleman, or the Lord President of the Council, a marked token of want of respect and attention to the Prince of Wales.

The next want of respect and attention to his Royal Highness, was the Right Hon. Gentleman's not having submitted the whole of his intended plan to his Royal Highness, before any of the proceedings of Parliament took place, and, indeed, previous to its public statement in that House, to which he conceived an Hon. Baronet, who had spoken early in the debate, had alluded, when he had said, they had been guilty of an *indecorum*, in not stating the Resolutions to his Royal Highness earlier.

Another

Another instance, he should mention, was chiefly grounded on public report, and that was the manner in which, when the proposed Restrictions were communicated to the Prince of Wales, that communication had been made. In that, as in the preceding instance, Mr. Grey said, he conceived there was a considerable portion of a reprehensible want of respect and attention to his Royal Highness.

With regard to the charge of a want of system in the whole of the Right Hon. Gentleman's proceedings upon the subject of the Regency, which the Right Hon. Gentleman had thought proper to say had been wantonly and lightly urged, and had not been supported; as the Right Hon. Gentleman had now heard from him, upon what the charge of having shewed a want of respect and attention to his Royal Highness the Prince of Wales was founded, so should he have the pleasure of hearing him restate the charge of want of system in his measures. The Right Hon. Gentleman seemed to consider his plan of proceedings, as perfectly regular, as if one part of it sprung out of another, and the whole was a system of harmony and order, which they must all admire for its symmetry and beauty. In order to prove this, the Right Hon. Gentleman had gone into a recapitulation of their proceedings, from the moment of their having ascertained the fact of his Majesty's incapacity. The Right Hon. Gentleman, however, had passed over one of these proceedings, and that an early one, of which he must beg leave to remind him, and that was, his second Motion,—that for a Committee to search for precedents,—which he had introduced with an argument that it was necessary for that House to have the advantage of the collective wisdom of their ancestors to guide and govern their conduct by, and yet, when that curious publication, then upon their table, was referred to, it would be found, that it was rather useful to teach them the errors of their ancestors, than to exhibit proofs of their wisdom, since the measures which the Right Hon. Gentleman had taken, were not grounded upon any one of the precedents contained in the Report, nor did they bear the smallest analogy to any one of those precedents. It was evident, therefore, that the Right Hon. Gentleman had not gone upon any one system, or method, he had no plan arranged by a combination of all its parts, constituting a regular and complete system, but had led them on, step by step, coming forward with separate and discordant propositions, just as the exigency of the day suggested.

The *Chancellor of the Exchequer* said, he should not notice the latter part of the Hon. Gentleman's speech, because all candid and impartial men might judge whether he had or had not proceeded on one regular and uniform system, and he was perfectly content to leave the whole to that decision. He would only no-

tice the charges of disrespect and want of attention manifested by him towards his Royal Highness the Prince of Wales, and so far was he from complaining of the Hon. Gentleman for having made the charges, that he acknowledged he felt himself highly obliged to the Hon. Gentleman, for having stated them so fairly and explicitly, as it afforded him an opportunity, which he could not otherwise have had of meeting them in the face of that House, and of the public, which was the only way in which he could have noticed them consistently, with what was due to himself and to the country. The first charge of disrespect was a failure of respect in the manner of sending notice of the meeting of the Privy Council to the Prince of Wales, a charge which he might easily have got rid of, by saying, that if it was proved an error, it was not his error, but that of the Lord President of the Council. He disdained, however, to avoid taking his share of the blame that might be thought imputable to any measure of that venerable and respectable personage, with whom it was the pride and happiness of his life to act, and if he had wished at any time to avoid such a participation of blame he was convinced from the degree of cordiality and confidence, in which the noble and learned Lord, and himself lived, it would, in point of fact, be utterly impossible for him to have an opportunity of being placed in such a predicament.

The first part of the charge was, that his Majesty's Ministers had not previously consulted the Prince of Wales, what steps they were to take in the difficulty in which they found themselves involved in the execution of the trust confided in them by the King. He owned the truth of this charge in that point; his Majesty's Ministers had not conceived it to be their duty to receive orders from the Prince of Wales, at a time that they were the servants of the Crown, and his Royal Highness was in no political capacity whatever, nor had any authority to give his Majesty's Ministers a single order of any description. They felt, that theirs was the responsibility for every step that they took, and they knew that theirs ought, of consequence, to be the discretion. With regard to the method of sending the summons, and the charge that his Royal Highness had received, no other than the ordinary notice sent round to every other Member of the Council, it was evident the Hon. Gentleman had been grossly misinformed in point of fact. So far from the event having passed as the Hon. Gentleman had stated, his Royal Highness received a special letter, written from the Lord President of the Council, stating the subject to be submitted to the Privy Council, and the business to be entered upon; his Royal Highness, therefore, had been summoned in a manner the most respectful, and totally different from that in which any other Mem-

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ber of the Privy Council had been summoned, excepting only the other Princes of the Blood.

The next charge, the Chancellor of the Exchequer observed, was personally against himself; it was the charge of not having acquainted his Royal Highness the Prince of Wales, with the whole of his plan, previous to his opening it in that House. To the truth of the fact alledged he must also, in this point, submit; but he begged Gentlemen to recollect what had passed, and he believed it would be admitted, that the circumstances considered, it was a little hard, it should be made a matter of charge against him of want of respect and attention to the Prince of Wales. He had resolved, as soon as ever a plan should be adjusted, to communicate it to his Royal Highness the Prince of Wales, previous to his stating it to the House, but in the course of the debate in that House, when the Question of Right was preliminarily under discussion, Gentlemen would remember, that he had been called upon, particularly, by a Right Hon. Gentleman not then in his place, to state the general outlines of his plan, the Right Hon. Gentleman declaring expressly, that it was equally a matter of information desirable to him and his friends, to know in what manner he meant to proceed. In the moment that he was publicly called up, it was impossible for him to suppress the outlines of the plan, without offence to the House; he was under the necessity of giving them, and they were communicated to the Prince according to his commands, the next day after the debate. He had not, he said, mentioned the particulars of the plan till after the Question of Right was discussed; because as that question involved in it considerations, the decision upon which might supercede the necessity and propriety of that House deliberating at all upon any farther step to be taken, it was necessary to be discussed as a question preliminary to any other proceeding.

With regard to the disrespectful manner in which it was reported, that when the communication of the Restrictions, intended to be proposed to the two Houses, was made to his Royal Highness, report had gone to such an extravagant length, that he believed it had gained credit about town, and he was sure it had been circulated in the country, not only that a message had been sent by a livery servant, but that the message had been a verbal one. The truth, however, the public were now apprized, was, that the communication had been made respectfully in writing, and the letter had been sent, not by a livery servant, but by a messenger, dispatched for the especial purpose. Perhaps, the Chancellor of the Exchequer said, there might be a failure in point of respect in this mode of communication. No man, he owned, was more ignorant of etiquette than he was, but he was conscious of no intention to shew disrespect to his Royal High-

ness. He had repeatedly made communications to his Royal Highness before, in precisely the same mode, without its ever having drawn upon him the smallest animadversion for a failure in etiquette, or having been considered as an instance of disrespect; and during the five years that he had been in administration, he had never communicated any of the numerous papers, dispatches, &c. that he had, from time to time, had occasion to transmit to his Majesty, in any other manner; and he was sure he had not intended to have shewn a disrespect to the Prince of Wales, in the instance alluded to, more than he had ever intended to shew a disrespect to his Majesty, during the period that he had been honoured with his royal confidence.

The Chancellor of the Exchequer concluded with saying, that he trusted the explanation he had given of his conduct in those particulars, in which a want of respect and attention to the Prince of Wales had been imputed to him, would prove satisfactory to the House; and he was persuaded, that no Gentlemen would be more happy than those, who had conceived there had been some reasonable plea for the charge. He trusted, therefore, they would in future consider the grounds of rumours, before they hastily gave them credit, begging Gentlemen to reflect a little on the candour of all other public rumours, and to judge of them by the little degree of truth he had proved to exist in the rumours, that had been circulated so injuriously to his character, and so falsely at his expence.

Mr. Burke began a very long speech, by attacking the Chancellor of the Exchequer on the ground of *Mr. Grey's* charge. He said, he trusted not to reports, he knew what the Right Hon. Gentleman's behaviour, conduct, and manners were, and he knew him to have shewn great want of respect and attention to the Prince in the whole course of the proceedings respecting his Royal Highness. The Right Hon. Gentleman had talked of etiquette, and had denied that he had been guilty, and called for the proof. If they had been accusing the Right Hon. Gentleman of a crime, they must have recourse to the laws; but it was a want of civility and good manners, where both were so eminently due, that they were charging him with, and that charge was easily made out.

The Right Hon. Gentleman had said, that to treat the Prince with disrespect, was to treat his Majesty with disrespect; the Right Hon. Gentleman was in that opinion correct, since those who injured the Prince of Wales, undoubtedly injured the King. That fact being admitted, what were they then to think of the Right Hon. Gentleman's not having consulted the Prince of Wales on the subject of convening the Privy Council, and the measures to be taken therein? The Right Hon. Gentleman had said, the King's servants were not to take orders from the Prince,

but

but to consider him as any other member of the Council. Was every man, he would ask, to be considered as shewing the necessary degree of respect and civility to the Prince of Wales, who because he was not by law bound to take orders from him, therefore chose to pass him by without notice? In what a peculiar situation did his Royal Highness stand? A grievous calamity had fallen on his family, and he had been thereby freed from the protection of a father, who, if in a state of capacity, would have guarded him from the insolence of his servants. There was an evident and a gross want of attention and want of humanity in the Right Hon. Gentleman's conduct. Since, in the case of an affliction fallen on a father, who ought to be consulted as to what was necessary to be done, so soon as the eldest son? Was it not usual, in all cases of illness and disaster happening to the head of a family, to have recourse to the next person in it, as the one most interested in the event of the affliction.

Mr. Burke reasoned in this manner to some extent, and said, great incivilities, when premeditated, might pass into something of a higher nature than want of respect, and might be met upon other grounds; but, in considering that no more notice was due to the Prince of Wales than to any other member of the Privy Council, there had been a reprehensible want of attention. He proceeded next to notice, the Right Hon. Gentleman's having stated his plan in that House, before he had communicated the plan of his proceedings to the Prince of Wales.

The *Chancellor of the Exchequer* interrupted Mr. Burke, to remind him, that he had explained to the House, the manner in which that explanation had been called for, which made it impossible for him not to give it.

Mr. Burke said, he did not allude to that; he considered the Right Hon. Gentleman's explanation on that head as perfectly satisfactory, and had therefore passed it over. What he meant was, the Right Hon. Gentleman's having forced the House to debate the Question of Right, without having previously communicated to his Royal Highness, that a Right, in which his Royal Highness was so much interested, was about to be made the subject of discussion. That was, in his mind, a great indecency, and the more so, after the humble, satisfactory, respectful, but, at the same time, dignified manner, in which that discussion had been deprecated by the Duke of York, and a declaration made, that his Royal Highness the Prince of Wales, from a thorough regard to the Constitution, whatever right he might have, was willing to accept the Regency on such terms as the two Houses of Parliament should think proper to give it. He praised the fraternal affection manifested by the Duke of York, which, he said, proved his Royal Highness to be a wor-

thy person, and afforded well-grounded hopes that he would be ready and willing to assist his brother.

With regard to the manner of communicating the intended Restrictions to the Prince of Wales, Mr. Burke said, when papers were sent to his Majesty, the usual mode of transmission was by a black box, which was deemed respectful, the box being considered as marking the respect; he dwelt on the idea of the black box, and said, he would leave the degree of disrespect, manifested in this instance, to the judgement of the public, who would doubtless decide it in their usual manner. No doubt those who approved the Right Hon. Gentleman's conduct would have imitated it, had they been in his situation.

Having gone through the charges of want of respect and attention, as imputed to the Chancellor of the Exchequer, Mr. Burke proceeded to treat on other topics, and to speak more immediately to the question then before the House, and to argue that it was, as his Hon. Friend had stated it to be, nothing more than a direct endeavour to create unnecessary delay. He said, they had been taught the preceding day, to think that the business of the Address would have come on in the House of Peers; why it had not done so, he could not tell, but he saw no reason whatever for losing a week. The Hon. Gentleman had said, they could not receive the answer of his Royal Highness before Thursday, and that they could not sit on Friday. He asked, why not sit on Friday? Friday was the true day, the only day proper for such business—the day on which the nation was to commemorate the extinction of monarchy, which had not been effected without the spilling of blood, and therefore Friday was, of all days, the most fit for taking that step, which was to annihilate the Constitution, and change the form of our Government. Whether the putting off the business in the House of Lords the preceding day, had been owing to a difference among Ministers, he knew not; but there was a little bird, a small robin red-breast, which said, that something like it had happened; and when he talked of a little bird, he borrowed the idea from the Right Hon. Gentleman's father, who had said, a little bird told him, that the Lords of the Bedchamber were, at a certain time, disposed to exercise their influence in a manner not quite proper. The same bird, Mr. Burke said, had whispered him, that there was a reason for not proceeding as had been intended, and suddenly shifting the business upon their shoulders. Perhaps, he observed, the other House were not yet recovered from the effect of that extraordinary burst of the pathetic, that had been exhibited the other evening; they had not dried their eyes, and been restored to their former placidity, and were unqualified to attend to new business. The tears shed in that House, on the occasion to which he alluded, were not the tears of patriots for dying laws,

laws, but of Lords for dying places. The iron tears that flowed down Pluto's cheek, rather resembled the dismal bubbling of the Styx, than the gentle murmuring streams of Aganippe. In fact, they were tears for his Majesty's bread. Those who had been fed by the King's bounty, were supposed to have deserted him in his utmost need. There was, he said, a manifest difference between that House and the other; between Patricians and Plebeians. They, in an old fashioned Plebeian way, would have said, "if we can no longer serve the King, we will no longer receive his wages; we will no longer eat his bread,"—but the Lords of the Household held a different language, and pursued a different conduct; they would stick by the King's loaf as long as a single cut of it remained. They would fasten on the hard crust, and would gnaw it, while two crumbs of it held together; and, what was more extraordinary, they would proudly say at the time, that it was the honour of the service that they regarded, and the dignity of their offices; as to the emoluments they did not value the money *three skips of a louse*. This was gratitude, a degree of gratitude which courtiers never failed to exhibit! Under that roof they considered mankind as subject to human frailty, and dreading the effects of that infirmity, to which all human nature was equally subject, had tried to guard against it, by voting again and again, that officers of all and every description, should be disqualified from sitting in that House. But the Lords of the Household were a different order of beings; they were beyond the reach of influence; they were a set of saints and philosophers, superior to the lusts of the flesh and the vanities of the world.

After pursuing this irony to some extent, Mr. Burke took notice of the Right Hon. Gentleman's having called his honourable friends the Champions of the Constitution, and declared that they ought to be such—that they were placed there for that purpose, and they would abuse their trust, if they took powers which did not belong to them, in order to flatter another with a degree of authority that did not belong to him, or in order to deprive another of a right which did belong to him. The Right Hon. Gentleman was bound to shew, why he chose to prefer a limitation of the Regency in point of time, to a limitation of the Restrictions. His Right Hon. Friend who was absent, Mr. Burke said, had not declared that he approved of that limitation, but had said, if they meant to make a Republic, he should, in that case, approve of a limitation of the Regency, and an annual election. He should approve of it for the same reason. If they chose to make a Republic, why did they not make it in a manly way, and openly declare their intention? If he were asked, did he hate a Republican speculation? he would answer—No. But he knew a Republic could not be speculated upon, according

according to our Constitution. He loved; he revered, he adored the true principles of a Republic, but was that the mode of instituting a real Republic?—"Oh Republic! exclaimed Mr. Burke, how art thou libelled! how art thou prostituted, buffooned, and burlesqued! Oh fabrick! built after so many ages, and cemented by the blood of patriots, how art thou degraded?" As well might it be said, that the mutilated creatures of the Opera-house were the representatives of heroes, the true and perfect Cæsars, Catos, and Brutuses of Rome, as that strange and jumbled chaos, the representative of a real Republic. Such an attempt to establish a Republic as the present, was the certain way of having a monster set over them, and introducing the most hypocritical sort of government that could be resorted to.

Mr. Burke reprobated the idea of the fiction of law, that was to be made use of to open the Parliament, and said, he never had heard of a phantom being raised in a private family, but for the purpose of robbing the House. So far from being a representative of the forms of the Constitution, it was, he said, a masquerade, a mummery, a piece of buffoonery, used to burlesque the Constitution, and to ridicule every form of Government! A phantom conjured up to affright propriety, and drive it from our isle! An hideous spectre, to which, in the language of Macbeth to Banquo's ghost, it might be said,

*Avaunt and quit my sight! Let the earth hide thee!
Thy bones are marrowless, thy blood is cold;
Thou hast no speculation in those eyes,
Which thou dost glare with.*

and so, in fact, it was with this political spectre; its bones were marrowless, its blood was cold, and it had no speculation in its eyes! He reprobated it, therefore, as a chimera, a monster taken out of the depths of hell.

Mr. Burke spoke of the letter of the Chancellor of the Exchequer to the Prince, as conveying private intimations, which he would not publicly avow, and said, as to the Right Hon. Gentleman giving his word, he might do that as he liked; but if he did not agree to a special limitation of the Restrictions, his faith was broken; because, if they passed the bill, without any clause of limitation, they gave the lock and the key to the door of revision and limitation out of their own hands, and delivered both over to the other House. These were dangerous things, and he would say that they were illegal, and unfortunately without remedy. The people at large, who were deluded, and acted upon that delusion, could not be punished, because it would be a massacre: but what should they say of those who mislead the people, and under a pretence of an ardent zeal for the Constitution, endeavoured to advance the purposes of their own private ambition.

ambition. Mr. Burke added further remarks, and, in the course of his speech, introduced several apt and pertinent quotations from the ancients. Mr. Burke concluded with stating, that for the reasons he had mentioned, he should support the amendment of his honourable friend.

Mr. Pulteney rose to explain the motion which he did not make on a former day, but had only loosely stated to the House. When he had risen for that purpose, it was, *Mr. Pulteney* said, a very late hour, and Gentlemen, probably, were so fatigued, that they had not paid it that degree of attention, which they otherwise would have done; hence he supposed the tendency of the motion, was so much misapprehended, as he found it had been. Gentlemen talked of his motion having a tendency towards introducing a Republican form of Government. It had no such tendency, and he should have imagined that his principles were too well known, for any man to have supposed he was a favourer of Republican notions. He never had inclined to favour them, on the contrary, he was always an advocate for a limited monarchy.

Mr. Sheridan said, he wished to bring the debate to a conclusion, and should therefore propose a farther amendment, that he trusted would remove all the Right Hon. Gentleman's objections. The House might hereafter debate on the Right Hon. Gentleman's motion of limitation, which he must still contend was adverse to the interests of the country, and tending towards a Republican form of Government; consequently, could neither be advantageous to the present or future prospect of the Prince.

Mr. Pulteney interrupted *Mr. Sheridan*, for the purpose of declaring, that what he proposed was for the benefit of the Prince, and of the country, and not more for the advantage of the one than of the other.

Mr. Sheridan said, the House would then perceive the want of system. The Hon. Gentleman had, on a former night, suggested of a sudden, an intention to propose a limitation of the existence of the Regency, which he had just told the House he meant to persist in, and should state more fully hereafter. With that, the Right Hon. Gentleman had professed an acquiescence, and after having stated that his mode of proceeding, was a mode that was not to be changed; had, in a manner, agreed to receive the Hon. Gentleman's proposition, and to change it hereafter.

To what end then, vote the proposed Address to the Prince of Wales? If they adopted any additional regulation, or made any alterations, they would necessarily have to do the business they were now about, over again; and to send up a second Address to the Prince, to learn whether, in the altered state of the
 Restriction.

Restrictions, his Royal Highness was yet willing to accept the Regency. Mr. Sheridan pressed this argument, and then said, that in order to obviate the Right Hon. Gentleman's scruples, he should propose an alteration to his amendment, which he did not think the Right Hon. Gentleman could object to. If he had understood what the Right Hon. Gentleman had said before upon the subject, he had signified that his objection to the amendment was, that it was what the Right Hon. Gentleman termed a *partial selection* from a paragraph in his letter to the Prince of Wales, and that he had left out certain words of importance. He could not, Mr. Sheridan said, consider these omitted words, in any other light than as words of surplussage; but in order to satisfy the Right Hon. Gentleman, and to remove all his doubts, he had now taken these words of the Right Hon. Gentleman's letter, that the Hon. Gentleman had complained were omitted in the motion. The matter would then go clearly and without reserve to his Royal Highness, and they would see by his Royal Highness's answer what steps they ought next to take.

The words, Mr. Sheridan said, he meant to add to the motion were these, "but if unfortunately his Majesty's recovery should be protracted to a more distant period, than there is at present reason to imagine, it will be open hereafter, to the wisdom of Parliament to re-consider these provisions."

Mr. Sheridan read that part of the motion on which the Right Hon. Gentleman had relied, as marking in the Right Hon. Gentleman's mind, that the Restrictions were calculated merely for the present exigency, and were consequently only of a temporary nature. He asked, if those words conveyed so clearly, distinctly and intelligibly, that the Restrictions were permanent and not temporary, as the words of his amendment did? Why then, he said, would the Right Hon. Gentleman use dubious words, when he might speak plainly and directly? The Right Hon. Gentleman had before said, his letter was partially quoted. He had now taken the part that was omitted, and added it to the other; he did not therefore think the Right Hon. Gentleman would object to it, if he meant to do justice to the Public and the Prince.

Upon the question being put, that the House give leave that the first amendment might be withdrawn, in order to give Mr. Sheridan an opportunity to join the first and second amendment, and move both as one amendment, leave was given, and the question was then put on the whole of the conjoint amendment.

The strangers were ordered to withdraw, after which a desultory debate ensued, wherein Lord North, Mr. Powys, Mr. Dempster, the Chancellor of the Exchequer, Mr. Wyndham, and Mr. Burke took part, and on which much was said on the

different parts of the argument, as well regarding the mode of issuing a Commission under the Great Seal, as on the other particulars of the system of principles that the House had laid down.

Mr. Dempster stated to the Chancellor of the Exchequer, that there were two modes of exercising the Royal Authority, under a Commission; the one by a Prince of the House of Brunswick, the other by a subject. The former he should conceive to be the most proper one, but he appealed to the Right Hon. Gentleman which of the two would be most proper?

The *Chancellor of the Exchequer* said, he could not agree with the Hon. Gentleman, that the mode he had preferred was the best.

After about an hour's debate, *Mr. Sheridan's* amendment was negatived without a division, and the main question carried.

ADDRESS TO THE QUEEN.

The *Chancellor of the Exchequer* next moved an Address to the Queen, in order to know if her Majesty was willing to accept the care of his Majesty's Person, and the management and controul of the Household, as stated in the Resolutions?

The motion was as follows:

"That the Resolution which relates to the care of his Majesty's Person, and the management of his Majesty's Household being in the Queen, should be communicated to her Majesty, with an Address, humbly desiring her Majesty, to take under her care, those important trusts, as soon as an Act of Parliament can be passed for that purpose."

Mr. Burke spoke on this motion, and hinted at the necessity of moving certain restrictions and limitations on the powers to be vested in her Majesty by this Resolution.

At half after nine, the House voted the second motion, and a conference was ordered to be desired with the Lords this day, in order to deliver the two motions, and desire their concurrence.

The House adjourned till to-morrow.

WEDNESDAY, JANUARY 28.

HOUSE OF LORDS.

A MESSAGE was brought from the Commons, desiring a conference with their Lordships, and after the usual ceremonies observed,

observed, and the Commons were in the Painted Chamber, the Lords were acquainted therewith, by the Yeoman Usher of the Black Rod, and the Managers for the Peers went into the Painted Chamber, when Lord Belgrave delivered to the Lord President the Resolutions come to by the Commons, to which they desired their Lordships concurrence.

As soon as the Managers returned, the Lord President acquainted the House, that he had met the Managers for the Commons, and had received some Resolutions, which he desired might be read, and the same having been read by the Clerk, as follows :

“ That a Committee be appointed to attend his Royal Highness the Prince of Wales, with the Resolutions which have been agreed to by the Lords and Commons, for the purpose of supplying the defect of the personal exercise of the Royal Authority during his Majesty’s illness, by empowering his Royal Highness to exercise such Authority, in the name and on behalf of his Majesty, subject to the limitations and restrictions which the circumstances of the case appears at present to require, and that the Committee do express the hopes which the Lords and Commons entertain, that his Royal Highness, from the regard to the interests of his Majesty and the nation, will be ready to undertake the weighty and important trust proposed to be invested in his Royal Highness, as soon as an Act of Parliament has been passed for carrying the said Resolution into execution.” And

“ Resolved, That the Resolution agreed to by the Lords and Commons, respecting the care of his Majesty’s Royal Person, and the direction of his Majesty’s Household, be laid before her Majesty, with an humble Address, expressing a hope which the Lords and Commons entertain, that her Majesty will be graciously pleased to undertake the important trust proposed to be invested in her Majesty, as soon as an Act of Parliament has been passed for carrying the said Resolution into execution.”

The *Lord President* moved to agree to the said Resolutions.

The *Duke of Northumberland* rose, and conceiving it not decent to withhold from his Royal Highness any of the authority belonging to the Crown, without assigning some reason for so doing, moved, by way of amendment, to add to the Resolution the following words : “ That the Restrictions were formed on the supposition, that his Majesty’s illness was only temporary, and might be of no long duration.”

The amendment was negatived without a division.

Lord Kinnaird spoke warmly against the original motion, and in the course of his speech, laid some stress upon the amendment having

having been moved by a character of so much weight and authority, as the most puissant Prince, the noble Duke near him.

The *Earl of Carlisle* complained, of the contemptuous silence observed by his Majesty's Ministers, who had not deigned to favour that House with a single word of explanation on the subject of the question. Such treatment, he said, was unworthy the persons who held the high offices of state, and he doubted not would be felt as a species of disdainful neglect, if they were so treated when out of office, on subjects of such magnitude and importance, as those under consideration. His Lordship adverted to the speech of a noble and learned Lord (the Lord Chancellor) in a late debate; that noble and learned Lord, he said, it was well known had ability to catch at any argument that came within his reach. When, therefore, they heard that noble and learned Lord confine himself to a hard invective against that side of the House, and deal in declamation solely, it was fair to conclude, that he would not have rested on an appeal to the passions, if he had not found himself divested of argument, and that the cause which he rose to support, could not be attempted to be upheld by sober reason.

His Lordship argued upon the danger of pledging the House by the Resolution, and precluding them from the free exercise of their deliberative functions. He said, a hint had been given in that, as well as the other House, that the Prince of Wales was to have a household established, in lieu of the patronage taken from him; what that household was to consist of, ought to make a part of the communication then proposed to be made to his Royal Highness.

The *Duke of Richmond* assured the noble Earl, that it was not from any contempt for any noble Lord, who, like the noble Earl, had objected to the Resolutions, that he had forbore to rise before, and say a word or two in favour of the motion under consideration. It was merely from the impression, that both Houses having proceeded so far as to vote Resolutions, containing the general principles on which the bill to be brought in was to contain the detail. The natural step to be taken, as well out of respect to his Royal Highness as to the regularity of their proceedings, was to go up with the Resolutions to the Prince, and learn from his Royal Highness whether he was willing to accept the Regency on those conditions or not. With regard to the Resolutions having been debated as temporary in their nature, and that therefore there ought to be some words of limitation in the motion; he admitted that the Resolutions had been all along stated, to contain Restrictions fit only to be applied in a case of a temporary nature, and the reason why any words of special limitation were not necessary in the motion was, it did already specifically refer to such Restrictions as the circumstances of the

the case appeared at *present* to require. His Grace reasoned a good deal on the propriety of the measure then under consideration, declaring that it appeared to him highly respectful to his Royal Highness, as the House might, if they thought proper, proceed without taking such a step, and when the Bill had passed into a law, his Royal Highness would not have an opportunity of objecting, should any part of the Bill be found to contain clauses not agreeable to him.

Lord Stormont confessed his obligations to the noble Duke for having broken silence, since, had it not been for the condescension of his Grace, his Majesty's Ministers seemed all determined to have imitated the eloquence of Ajax; which, although it might be becoming that surly character, was not, in his opinion, a proper conduct to be observed by his Majesty's Ministers in a House of Parliament, when a great and important measure was under consideration. He said he would not detain their Lordships long, but would, as shortly as possible, offer a few observations that struck him on the moment.

In what he was going to state, if he should be wrong, the noble Duke would set him right. On Monday last, it had been understood, that the question then before the House was to have been moved; but, as it had been apprehended that there might be a difference of opinion on the subject, the intention was given up, lest there should be any ground for a charge of taking the House by surprise. Undoubtedly that idea was a fair one, but he, for one, had been a good deal mortified at the delay, because, by that means, the subject had been first agitated by their *good and gracious instructors*, the House of Commons, whose *obedient and very humble servants* they were, as had been sufficiently manifested ever since the House of Commons had kindly taken upon themselves the office of *directing* that House in their *duty*.

His Lordship said, it seldom happened that he troubled their Lordships with any motion, but he remembered that he had proposed one, when the Commercial Treaty was under discussion, declaring, that nothing contained in an Address then moved, should be held to pledge that House, so as to preclude the freedom of debate in the discussion of any of the steps to be subsequently taken in that business. A noble Lord, who was not then in the kingdom, had declared his proposition to be a truism, and had moved the previous Question upon it, which had been carried, under the idea that it was unnecessary to vote a truism. He hoped, therefore, that the same doctrine which had been then established, would prevail in the present instance; and that if the motion for carrying up the Resolutions should pass, it would not be considered that the House was precluded from the right to object to any part of the bill, which they all understood was grounded on those Resolutions.

His

His Lordship charged Ministers with having deserted the plain road to the object in view, and pursued a bye-way, which had caused much inconvenience and much delay. He expatiated on the evil consequences of that delay, and particularly enforced its mischievous effect on foreign affairs. He said, in all matters of communication, he took it to be a general rule, that if a communication had been made privately, and it was afterwards thought that such communication ought, for special reasons, to be publicly made, the terms of the public communication ought to be the same as those in which the private communication had been made. This rule, however, was departed from in the present instance; he held in his hand, his Lordship said, the letter which was stated to be the letter of the Minister to his Royal Highness the Prince of Wales, communicating the Restrictions that were, at the time they were sent, proposed to be submitted to the two Houses, and which had since been voted; in the letter were these words, "That the Restrictions were formed on the supposition, that his Majesty's illness was only temporary, and might be of no long duration." These words, his Lordship said, were written in the name of the Minister himself and his colleagues, and expressly stated to have been the whole foundation of the plan of proceedings, that had been adopted in consequence of his Majesty's illness. He asked, why those words had not made a part of the Resolutions, unless it was that the Minister, however he might have derived advantage in debate from repeatedly using such language, in fact meant a perpetual regulation, which he contended he must have meant, since the propriety of revising the Limitations and Restrictions imposed on the Regent, was to depend upon a circumstance which would never happen, viz. whenever his Majesty's Physicians should be so totally ignorant of their profession as to admit, what no man at any time could with certainty pronounce, namely, that his Majesty's disorder was incurable.

The *Lord Chancellor* left the woolsack, and declared, he thought it somewhat hard, to have it thrown out at every turn, that every thing that had been said, and had not been answered, shewed disrespect to the Speaker. His Lordship said, he well knew they were dust and ashes in comparison with the noble Lords who had chosen to call themselves one side of the House, and that when they addressed the House, they were subject to animadversion, and to have it imputed to them that they were not capable of arguing.

His Lordship reasoned upon the Resolutions and the Motion, observing, that as to any Limitation, the whole plan obviously formed a regulation, meant to cease when the occasion ceased, and when a new occasion offered, a new regulation would be to be made. With regard to the whole being a meditated plan to

throw a check in the way of a new government, he did not, in truth, believe that it was so felt. Certain he was, that if it was a meditated plan, he was a perfect stranger to it, and no party to that concert. He looked upon the amount of the Restrictions in a very different point of view, and conceived them to be so much more salutary, that if he had been to advise those, who were supposed to be in the confidence of his Royal Highness the Prince of Wales, he would have advised them, at the peril of his life, to have met them more than half way, with a view to provide for the safe return of his Majesty to his Government on his recovery.

His Lordship said, he could have invented a plan, that would firmly fix an authority, which, planted in so kindly a soil, could not have failed to have proved prosperous and flourishing. He could, he said, have chalked out, in his own mind, a plan that would have better pleased his judgment, than that which had been adopted; but the present, considering that other mens opinions were to be consulted, and different matters attended to, was, allowing for the clash of the times, the best, that under all the circumstances of the case, could be brought forward. His Lordship said, the Household of the Prince of Wales, was not then under consideration. Whatever it meant, he took it for granted, that from its nature, it must be something to be settled subsequent to the appointment of a Regent. He knew nothing of it; "sufficient to the day was the evil thereof." At present, the sole consideration before the House, was the motion to carry up the Resolutions to his Royal Highness the Prince of Wales. With regard to that measure, he denied that there was any want of respect to the Prince in going up with the Resolutions, on the contrary, the mode of proceeding was, in his mind, the most respectful that could be followed. He stated why he thought so, and took notice, that some stress had been laid in the course of the debate on the amendment having been moved by a most puissant Prince. That sort of distinction, he said, was what could not be endured in that House. There it was customary for all the Peers to be considered as equal; and though they well knew, the difference made by elevated rank, high station, ancient families, splendid fortunes, and exalted virtues, yet, in a parliamentary point of view, a motion was equally entitled to be respectfully entertained, whether it came from a Right Hon. Baron, or a noble Duke, who, in his title, was stiled a puissant Prince.

The *Earl of Carlisle* rose to justify himself for what he had said in his former speech. His Lordship said, when a Lord of the noble and learned Lord's abilities addressed himself to the passions, he had a right to say he had no argument; and when they were told, in language of great force and eloquence, and consequently that could not fail to make a great impression on the noble
and

and learned Lord's audience, that if they attempted to divide a motion, relative to the care of the King's Person, and to separate the patronage and controul of the Household, they were deserting the King like Darius, in his utmost need; did the noble and learned Lord think it was to pass without any animadversion? His Lordship said, that charging them with having abandoned their King, and left him

*Deserted in his utmost need
By those his former bounty fed,*

was treating them rather like Lazarus, who was fed by crumbs from the rich man's table, than like British Noblemen. His Lordship took notice of what the noble and learned Lord said, of the advice he would have given at the peril of his life, and argued, as if the Lord Chancellor had questioned the propriety of the Prince's conduct.

The *Lord Chancellor* rose to explain, declaring that he had never said a word about the conduct of his Royal Highness, which he did not presume to question, but had talked of the advice, which he would have given those, who were supposed to be his Royal Highness's Counsellors.

Lord Stormont rose shortly to animadvert on the noble and learned Lord's having said, "sufficient to the day is the evil thereof;" and declared that he knew nothing of the establishment of the Prince of Wales. His Lordship said; the Minister in another House had held triumphant language on the subject, and had declared when all his ministerial functions were resigned, he would take upon himself the odium of proposing that establishment. His Lordship referred the noble and learned Lord to a former debate in that House, when it had been expressly declared, that it was intended to give the Prince of Wales an establishment suitable to the dignity of the Regent. He asked, had the noble and learned Lord been so occupied since, by his various duties, that he had buried in the river of Oblivion what he formerly knew? All he said, who knew the Prince of Wales's sentiments, knew that it was repugnant to his mind, to form an establishment by an unnecessary expence to the country. His Lordship added other arguments of a similar tendency.

The *Lord Chancellor* said a few words in reply.

The *Marquis Townshend*, *Lord Portchester*, and *Lord Fitzwilliam*, severally spoke against the motion, as calculated to carry up imperfect and incomplete Resolutions to the Prince of Wales.

Lord Radnor asked, if voting the motion would preclude him or any other noble Lord from freely discussing and objecting to any

part of the Bill, that they might disapprove when it should come under consideration?

Lord Sydney said, undoubtedly every noble Lord would be at liberty to give a free opinion, and vote as he should think proper on any future measure relative to the subject.

The *Duke of Richmond* justified his former argument, which had been questioned by Lord Portchester and Lord Fitzwilliam. His Grace complained of Lord Stormont having produced a mutilated publication of the letters that had passed between the Minister and the Prince of Wales, and argued upon it. He asked, why were not two other letters that had made a part of that correspondence produced? The letter preceding that of the Minister, and the letter succeeding that of his Royal Highness. He defended the Lord Chancellor's speech of Friday, and observed, that noble and learned Lord had been said to have appealed to the passions. But it was to be remembered, that the noble and learned Lord had first offered arguments, and those of the strongest nature, and had then said, "If these arguments won't do, I'll not appeal to the passions, but to the feelings of the House." The Duke asked, what could be a more powerful appeal than to the feelings of their Lordships? He argued this very ably, and pointed out that a different reason was urged in the Protest, from that relied on in Debate, in objection to the restriction relative to making Peerages. In debate, it had been contended that the power was necessary to the Regent, to enable him to reward merit. In the Protest, the argument was, that the power of creating Peers, was the only branch of the Prerogative, sufficiently powerful to afford a remedy against a combination in that House. The secret, therefore, was out!

Lord Hay defended the Protest which he had signed.

Lord Fitzwilliam did the same.

Lord Hawkesbury stated, that such of their Lordships as had voted for the Resolutions, were bound, as men of honour and conscience, not to vote against measures grounded on those Resolutions on a slight reason, nor unless new matter was introduced into those measures.

At length, after several of the noble speakers had been up repeatedly, the question was called for and put, when the motion was agreed to without a division. The second motion was also agreed to, and a conference desired with the Commons to-morrow to acquaint them therewith.

The House then upon motion, it being Eight o'clock, was adjourned till to-morrow.

HOUSE OF COMMONS.

LORD BELGRAVE, according to order, waited on the Lords, to desire a conference, which being agreed to, and held, after some time the Managers (being the same as conducted the last conference) returned, and Lord Belgrave acquainted the House that he had delivered the Resolutions as he had been directed to the Managers for the Lords.

The Committee on the State of the Nation, which stood for this day, was put off till to-morrow.

THURSDAY, JANUARY 29.

HOUSE OF LORDS.

THIS day a message was sent to the Commons by two Masters in Chancery, to desire an immediate conference. The messenger being returned, and notice given by the Yeoman Usher of the Black Rod, that the Managers were waiting in the Painted Chamber, the Lord President, Lord Privy Seal, &c. were called over, and they withdrew to meet the Managers for the Commons, when the Lord President returned Lord Belgrave the Resolutions with the blanks filled up, (*Lords Spiritual and Temporal*) and as soon as the Lord President, and the other came back from the conference, Lord Sydney moved, "That the Lord President, and the Lord Privy Seal, do wait on his Royal Highness the Prince of Wales, with the Resolutions agreed to by the Lords and Commons."

It was afterwards moved, "That a message be sent to the Commons, acquainting them therewith, and to desire a proportionate number of names to be added thereto."

It was afterwards moved, "That the Earl of Aylesbury and Lord Waldegrave do wait upon her Majesty with the Resolutions and Address agreed to by both Houses." And

"That a message be sent to the Commons, acquainting them therewith, and to desire they would add a proportionate number of names to the same."

The messengers went to the Commons, and after some time returned, when Mr. Holford, Master in Chancery, acquainted the House, that the Commons had added the Chancellor of the Exchequer, the Master of the Rolls, Lord Frederick Campbell,

and the Secretary at War, to wait upon his Royal Highness the Prince of Wales with the Address and Resolutions.

That the Commons had also added the names of Lord Cour-
toun, Mr. Comptroller of the Household, Richard Howard, Esq;
and Lieutenant Colonel Manners; to wait on her Majesty with
the said Resolutions and Address.

Lord Sydney then rose and said, 'it was the intention of Mini-
sters, that the utmost dispatch should be given to the business now
before them, for which reason, and in order that no delay might
be imputed to them from another quarter, he thought it would
be proper to sit to-morrow, as there was business ready to be
brought forward; he, therefore, moved that the House be sum-
moned for that day, which, upon the Question, was ordered
accordingly.

The House then adjourned until this day.

HOUSE OF COMMONS.

A CONFERENCE was had at the desire of the Lords, and
when the Managers returned, Lord Belgrave acquainted the
House, that they had met the Managers for the Lords, who had
returned the Resolutions with the blanks filled up, as desired at a
former conference.

QUESTION OF ADJOURNMENT.

As soon as the last message from the Lords had been received,
and an answer given to the Masters in Chancery, who came as
messengers from that House,

The *Chancellor of the Exchequer* moved, "that the order of the
day for going into a Committee on the State of the Nation be
read," which being read accordingly, the Chancellor of the Ex-
chequer moved, "that the said order be discharged." This hav-
ing been agreed to, the Chancellor of the Exchequer moved,
"that the House resolve itself into a Committee on the State of
the Nation, on Monday next."

As soon as the Speaker had read the Question, *Mr. Sheridan*
said, before the Question was put, he could not help remarking on
the situation in which the House stood. The Right Hon. Gentle-
man had, on Tuesday last, declared, that there would not be the
delay which an Hon. Friend of his, as well as himself, had stated
in

in Debate, but that, on that day, the House would have to proceed in the Committee on the State of the Nation. They now found themselves no nearer to the object, than they were on Tuesday last. He wished, therefore, before the Question was put, to know from the Right Hon. Gentleman, why his word had not been kept, and why they could not proceed?

The *Chancellor of the Exchequer* said, he had certainly expressed a hope on Tuesday, of the House's being able to proceed as that day, in the Committee on the State of the Nation, and at the time he had expected, that his hope would have been fulfilled, but events had since taken such a turn, as rendered it impossible. The Chancellor of the Exchequer said, he could not, in a Parliamentary manner, communicate what those events were, but as he was anxious, at all times, to give the House every possible satisfaction, disorderly as it was, he would venture to mention, that, he believed, his Royal Highness had appointed the next day at three o'clock, to receive the joint Address of the two Houses, and that the House of Lords would sit on Saturday to take the next step, that of providing a commission for opening the Parliament, and, therefore, it would be to no purpose for that House to sit on the same day, and for the Members to be harrassed with an unnecessary attendance.

Mr. Sheridan said, certainly it was unparliamentary, to take any notice of what the Right Hon. Gentleman had said, but, as it had been expected last Monday, that the Address would have been moved in the House of Lords on that day, and one of his Majesty's Ministers had prevented it; the same thing might happen again in respect to the commission to be issued for opening the Parliament. On Tuesday last, the Right Hon. Gentleman had declared, that there existed the most perfect harmony and cordiality among his Majesty's servants, he hoped, therefore, the Right Hon. Gentleman would feel no difficulty in giving the House a positive assurance, that the business would be proceeded on in the House of Lords on Saturday, either by pledging himself for the fact, or stating that he really had good reason to believe it would so turn out; or, if he was unwilling to do so, that he would suffer that House to sit on Saturday, that they might enter upon the business in case the Lords should disappoint them, as they had done last Monday. He could not, *Mr. Sheridan* said, presume to say, that the Prince of Wales would have been ready to receive the joint Address, and to have given his answer that day, but would the Right Hon. Gentleman undertake to say, that his Royal Highness would not have received it that morning?

No answer being given, the *Speaker* proceeded to put the Question, when he was interrupted by

Mr. Grey who said, though he knew it to be very unusual to object to a Motion of the nature of the present, he was strongly induced to oppose the question. On Tuesday last, he had taken the liberty of stating, that a whole week would be lost, when the Right Hon. Gentleman had denied the fact, and said, that the House would that day be able to receive the Prince's answer, and that they might proceed in the Committee on the State of the Nation. What had since happened, *Mr. Grey* said, was a corroboration of his charge against his Majesty's servants, that their great object was delay, and that they proceeded on no sort of system, but went on in the dark, ignorant one day of what step they should take the next, and perfectly at a loss to what end they were aiming. *Mr. Grey* renewed his charge, and said, it stood confirmed by undeniable facts.

Mr. Steele rose to state from memory, what had been the language held by his Right Hon. Friend. His Right Hon. Friend had not declared positively, that they would be able to proceed that day, but in answer to the Right Hon. Gentleman's assertion, that a whole week would be lost, by adopting the mode proposed of addressing his Royal Highness, had argued, that there need not be a delay of more than a single day, because if the House of Lords should vote the Address the next day, [Wednesday] and the House should receive the Prince's answer on that day [Thursday,] in that case, one or other of the two Houses might sit on Saturday, and proceed with voting the Commission to open Parliament. This, as nearly as his memory would serve, had been the argument of his Right Hon. Friend, who had only said, that there need not be a farther delay than that of a single day, but had not undertaken to answer for events, obviously not within his power.

Mr. Grey said, he could not suffer the impression to go forth, that the delay had been occasioned by the Prince of Wales, which he conceived would be the case, if he did not call upon those on the other side the House to declare, whether his Royal Highness had manifested any disinclination to receive the address as that day? He was persuaded, the Prince of Wales had signified no such disinclination; he was therefore determined to take the sense of the House upon the question of the amendment.

He asked why was the raising the phantom (for so he should still continue to call it, notwithstanding the Right Hon. Gentleman's defence of its reality last Tuesday,) deemed a matter of such importance, that they could not proceed to the incantation without farther ceremony. Could they not conjure up that horrible spirit themselves as well as the House of Lords? *Mr. Grey* renewed his charge of delay.

The Chancellor of the Exchequer said, Gentlemen called upon him to say, whether the Prince of Wales would not have received

ceived the Address that day? They must know that it did not lay with him to fix the time when his Royal Highness would receive it.

Mr. Sheridan moved, as an amendment to the Motion, to leave out the word *Monday*, and insert the word *Saturday*. By sitting on Saturday, the House, he said, would, at least, have one advantage; if a part of Administration should prevent the business proceeding in the House of Lords on that day, as they had done, in the case of the Address, last Monday, that House could go on with it and thus prevent farther delay.

Mr. Jolliffe complained of the delay with which a business of such great importance had been conducted. He said, it had been put off from day to day, and nobody could tell when it was to come forward. He hoped, therefore, the House would sit on Saturday.

The *Chancellor of the Exchequer* said, he should object to the amendment on the very principle upon which the Hon. Gentleman had supported it, namely, because the business was of great importance, and therefore ought not to be agitated unnecessarily or prematurely. He had already said, he believed the House of Lords would proceed upon it on Saturday, and it was unnecessary to harass Gentlemen, by obliging them to come down to the House on a day, when no business was likely to be agitated, since it would be improper for the two Houses to have it under their consideration the same day.

Mr. Marsham said, he should certainly support the amendment. As long as he should have the honour of a seat in that House, *Mr. Marsham* declared, he should contend, that the House ought to do its duty directly and explicitly, without considering what the other House would do, or waiting for the chance of their taking it up one day or another.* The Right Hon. Gentleman had talked of harassing Members, by obliging them to come down unnecessarily. If that consideration weighed with him, why had he on Tuesday last stated, that the Prince of Wales's answer would be received that day, and that they would proceed in a Committee on the State of the Nation? Had not such an intimation been given from such authority, *Mr. Marsham* declared he should not have come down, nor did he believe there would have been so full an attendance, as there had been that day.

Lord Milbourne said a few words on the same side of the question, but we did not distinctly hear his Lordship.

Mr. Martin said, he agreed perfectly with the Hon. Gentleman who had spoken last but one, that it was the duty of every Member to attend to the public business, without considering whether the other House would or would not proceed with the same business; and, if on the present occasion, he thought the public

public would derive any advantage from sitting on Saturday, he would vote for the amendment, but he really did not believe that any such advantage would result from it, and therefore he should oppose the amendment.

Mr. Rolle said, he could exculpate his Right Hon. Friend from the charge of having harrassed the Members, by bringing them down that day, because, whether they were to have gone into a Committee on the State of the Nation or not, the House must necessarily have sat that day, to receive the message from the Lords, and to have held their conference, or a well-founded charge of intentional delay would have been imputable to Ministers.

Mr. Grey recapitulated what had passed last Monday, when after finding, contrary to the general expectation, that the business of voting the Address was put off in the House of Lords, because a distinguished Member of Administration would not suffer it to be brought on; the Right Hon. the Chancellor of the Exchequer had himself moved to postpone its coming on in that House till the next day (Tuesday.) *Mr. Grey* said, he had reluctantly concurred in the Motion for its being postponed till the next day, because he saw the House was so thin, owing to the idea that had prevailed, that no business of importance was to come on that day. The whole of the proceedings of his Majesty's Ministers, *Mr. Grey* said, had been uniformly and undeniably calculated for delay, and that he would certainly take the sense of the House on the amendment.

The *Chancellor of the Exchequer* begged to remind Gentlemen, that he had never intimated in that House, that the Question of the Address was to be agitated, till he gave notice of it last Monday for the next day's discussion, neither had he given the House to understand, that it was likely to come on in the House of Lords last Monday.

At length the Question was put, and the House divided, that the words "Monday next" stand part of this Question.

Ayes	—	70
Noes	—	51
Majority	—	19

The Main Question was then put and agreed to.
Adjourned to Monday next.

FRIDAY,

FRIDAY, JANUARY 30.

THIS day the Lord President of the Council, attended by the other Members of both Houses, who were of the Committee, went in procession to the Prince of Wales, at Charleton House, with the Resolutions concerning the Regency. His Royal Highness received the Address in form, seated in a Chair of State, with the officers of his household all in waiting.

The Earl of Alesbury, and other Members of the Committee, also waited on the Queen at Kew, to Address and deliver the Resolution of both Houses, relative to the case of the King's Person. They were graciously received.

SATURDAY, JANUARY 31.

HOUSE OF LORDS.

Earl Bathurst sat as Speaker for the Lord Chancellor, who was indisposed.

ANSWERS OF THE PRINCE OF WALES AND THE QUEEN.

The *Lord President of the Council* read the answer, which his Royal Highness had been pleased to give to the Address from both Houses of Parliament. As soon as the Earl had read the contents of the Prince's answer, it was repeated audibly by the reading Clerk, and was as follows :

" My Lords and Gentlemen,

" I thank you for communicating to me the Resolutions
 " agreed upon by the two Houses, and I request you to assure
 " them in my name, that my duty to the King my Father, and
 " my anxious concern for the safety and interests of the people,
 " which must be endangered, by a longer suspension of the ex-
 " ercise of the Royal Authority; together with my respect for
 " the united desires of the Houses, outweigh, in my mind, every
 " other consideration, and will determine me to undertake the
 " weighty and important trust proposed to me, in conformity to
 " the

“ the Resolutions now communicated to me. I am sensible of the
 “ difficulties that must attend the execution of this trust, in the
 “ peculiar circumstance in which it is committed to my charge,
 “ of which as I am acquainted with no former example, my
 “ hopes of a successful Administration cannot be founded on any
 “ past experience. But confiding that the limitations, on the
 “ exercise of the Royal Authority, deemed necessary for the
 “ present, have been approved by the two Houses only as a tem-
 “ porary measure, founded on the loyal hope, in which I ar-
 “ dently participate, that his Majesty's disorder may not be of
 “ long duration, and trusting, in the mean while, that I shall
 “ receive a zealous and united support in the two Houses and in
 “ the nation, proportioned to the difficulty attending the dis-
 “ charge of my trust in this interval, I will entertain the pleas-
 “ ing hope, that my faithful endeavours to preserve the interests
 “ of the King, his Crown, and people, may be successful.”

Lord Waldegrave then read the Answer given by her Majesty the Queen, to the message of the two Houses, which was afterwards repeated by the Clerk, and was as follows :

“ My duty and gratitude to the King, and the sense I must
 “ ever entertain, of my past obligations to this country, will
 “ certainly engage my most earnest attention, to the anxious and
 “ momentous trust intended to be reposed in me by Parliament.
 “ It will be a great consolation to me to receive the aid of a
 “ Council, of which I shall stand so much in need, in the dis-
 “ charge of a duty, wherein the happiness of my future life is
 “ indeed deeply interested, but which a higher object, the hap-
 “ piness of a great, loyal, and affectionate people, renders still
 “ more important.”

Lord Southampton rose as soon as the reading Clerk had finished, and moved, that the answer of his Royal Highness the Prince of Wales be printed, that the public might be apprized of the sentiments and principles of his Royal Highness.

Lord Hawkesbury said a word or two about printing all the papers, and then

The *Earl of Randon* regularly moved, that her Majesty's answer might also be printed.

Both answers, with the Addresses, containing the Resolutions submitted to the Royal Personages, were ordered to be printed.

ORDER

ORDER FOR COMMISSION TO BE ISSUED TO OPEN THE
SESSION OF PARLIAMENT.

The order of the day having been read, that the Lords be summoned, and that the House resolve itself into a Committee on the State of the Nation.

The *Lord President* rose, and began with reminding their Lordships, of the several progressive steps they had taken, which naturally led to the important crisis of their carrying up the Resolutions voted by the two Houses to his Royal Highness, whose gracious answer their Lordships had just heard, and which could not but give the House general satisfaction. Much, his Lordship observed, might be said, on what had occurred in the progress of their proceedings, but as the great step of ascertaining his Royal Highness's determination, as to acceptance of the Regency on the conditions expressed in the Resolutions, had been taken, it was unnecessary for him to add a single syllable upon what had passed, and therefore he would quit that part of the subject. The next necessary step to be taken fell under the second Resolution, that by which the House had decided, that it was necessary to determine on the means whereby the Royal Assent may be given in Parliament to such Bills as may be passed by the two Houses, respecting the exercise of the Powers and Authorities of the Crown, in the name and on the behalf of the King, during his Majesty's indisposition.

The business of that day, therefore, was to open what the measure was, by which his Majesty's Ministers proposed to carry those means into effect, in order to *appoint* and *elect* a Regent. That explanation it was his duty to make, and he begged to be understood, as having undertaken it, under the impression of a thorough conviction, that, amidst a choice of evils, the means he should propose appeared to him to be least objectionable and most fit to be adopted, because the most reconcileable to the principles of the Constitution; but, that what he had to propose, he submitted with great deference to their Lordships better judgment. His Lordship said, he was aware that the means that had already been more than hinted at in debate, by which, under the practice of the second Resolution, it was intended to proceed to open the Parliament, and to rescue the two Houses from their present maimed and imperfect state, and to rescue the country also from the miserable condition in which it had so long remained, and of which the people began to feel the effect, and to complain, viz. that of having no Government whatever, had been made the subject of much ridicule. It had been called a phantom, a fiction, that by a variety of other contemptuous
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names ; if there should be those, however, who should object to the proposition he had to offer, he thought it right to declare, that he held it to be the duty of the persons who so objected, to suggest the mode of proceeding that they thought more expedient, more wise, and more practicable.

The delay that had already taken place, from various unavoidable causes, had revolted the public mind ; the people were impatient, and justly so, for a restoration of the Constitution to its complete form, that of three estates, from the co-operation of which, the government derived its energy, and all its operations proceeded with vigour and with effect. In the present melancholy situation of affairs, his Lordship said, the incapacity of his Majesty to exercise the royal functions was severely felt. It was necessary that Parliament should interpose its authority ; but Parliament could not take a single step, circumstanced as it was at present ; without the King, it was a mere headless trunk, perfectly inanimate and incapable of action ; no legal step could be taken by the two Houses, that assumed the character, or aimed at the efficacy of legislation, without the King at their head to substantiate the act, and give it constitutional currency. The King must be upon his throne in that House, or by some means or other signify his sanction to their proceedings, or notwithstanding the steps they had already taken, all their time would have been wasted, and all their pains thrown away. After what had passed, the first step that was next to be taken, was to open the Parliament, and to do it by the King's authority. The law declared, that in one mode or other, the King must be there to enable them to proceed as a legislative body. That his Majesty, from his illness, could not attend personally, was a fact too well known to be disputed. The next consideration, therefore, was, by what means the King exercised his Parliamentary prerogative, when he did not exercise it personally. The legal and constitutional mode was, his Lordship said, by issuing Letters Patent under the Great Seal. In the present dilemma, consequently the most safe means of opening the Parliament was, by directing Letters Patent to be issued in the King's name under the Great Seal, authorizing a commission to open Parliament in the name of his Majesty. He must take the liberty of saying, that those who treated the means he should propose, with ridicule, were ignorant of the laws of their country. A fiction those means might be termed, but it was a fiction admirably calculated to preserve the Constitution, and, by adopting its form, to secure its substance. This fiction, in the first place, kept the throne entire, if the King should be living, but, in his natural character, incapable of exercising the Royal Authority. Secondly, no bill that had not the King's name at the head of it, and therefore purported to be of Royal Authority, could have a legal

legal effect; a deficiency which this fiction would cure. Thirdly, if a King should, for a time, be deprived of the power of exercising his royal prerogatives personally, either from not being of age, or from being rendered incapable of attending Parliament from illness or any other cause, on his return to his power of action as a Sovereign, he would see all his Prerogatives had been carefully preserved, and that they all stood minuted down upon record.

His Lordship remarked, that a Sovereign's sentiments were known only by record, and reasoned upon the absolute necessity of issuing a Commission to open the Parliament, and if that ground were denied him, which, he conceived, could not well be denied, he asked, by whom was a Commission, such as he had described, to be directed? Would it be said, that his Royal Highness the Prince of Wales could command the Lord Chancellor to put the Great Seal to such a Commission? His Royal Highness had not the smallest pretence to assume such an authority; both Houses had recently voted that the Prince had no such right. Would the Lord Chancellor himself venture to do it by his own accord. Undoubtedly he would not. The Commission must be issued by some authority, and being once issued, with the Great Seal annexed to it, it must enforce obedience. He thought it was in the power of the two Houses to direct the Great Seal to be put to the Commission, and in their power only. After expatiating on this point at some length, his Lordship remarked, that the Great Seal was the high instrument by which the King's *fiat* was irrevocably given; it was the mouth of Royal Authority, the organ by which the Sovereign spoke his will. Such was its efficacy and its unquestionable authority, that even if the Lord Chancellor should put the Great Seal by caprice to any Commission, it could not be afterwards questioned; though a misdemeanor in effect, yet it could make Letters Patent of such validity, that the Judges themselves could not call them in question. If an Act of Parliament passed by authority of a Commission issued under the Great Seal, and was indorsed with a *Roi le veut*, it was valid. It must be received as a part of the statute law of the land, and could not be disputed.

His Lordship enlarged on the admirable operation of this phantom, or fiction, as it had been termed, and reminded the House, that they had already gone so far, that they could not go back; they must either resort to the fiction, that had been treated with so much ridicule and contempt, or they must resort to something else. He was aware that it had been said, that it had been a proceeding of barbarous days. Undoubtedly, the Precedent was to be looked for in the reign of Henry the Sixth, but he begged the House to recollect, that it was those barbarous ancestors who made the Constitution. It was to them that we owed the
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Common Law of the land, which had been handed down from age to age, invariably, from their time to the present period. It was upon them that Lord Coke had founded himself in every part of his works. The present race, therefore, would betray great ingratitude, if they forgot their obligations to the reign of Henry the Sixth; a reign in which, as sound lawyers, as able statesmen, and as honest magistrates lived, as in any subsequent period of our history. They were not, perhaps, as well read in Latin and in Greek, and as much familiarized with the luxuries of the present times, as our lawyers are, but it was not, therefore, to be supposed, that they did not possess as sound understandings, were not gifted with as much good sense, and had not as clear a conception of the Constitution, its principles, and those of the law, as both then stood, as any lawyers at any period. His Lordship said, he adverted to the first twenty years of Henry the Sixth, than which there never was a period of greater tranquillity and peace. In illustration of his argument, his Lordship recapitulated all the events, (so often stated in both Houses during the discussion on the subject of the Regency) of the Lord Chancellor of that day, surrendering the Great Seal into the hands of the infant King, its being afterwards taken by the Duke of Gloucester and other great men, and committed to the custody of the Master of the Rolls, who was directed to put the Great Seal to a variety of Commissions, &c. the Duke of Gloucester's conduct, the mode in which Parliament assembled, the authority under which it from time to time acted, the part taken by the Duke of Bedford, &c. &c. After circumstantially entering into the detail of all these historical facts, and reasoning pertinently upon each, particularly observing, that Henry the Sixth was as incapable of putting his sign manual to the Commission, for calling the first Parliament that assembled in his reign, or writing his signature, as his Majesty was at present, the Lord President said, he thought it fair to apprize their Lordships, that at a subsequent opportunity, when the bill appointing a Regent (and enacting the limitations and restrictions, which the two Houses had already agreed on, and had communicated to his Royal Highness) should have gone through all its forms in the two Houses, it would be necessary to affix the Great Seal to another Commission, giving the royal assent to such bill.

The mention of this second Commission, brought his Lordship to a renewal of his reasoning, in proof of the absolute necessity of having recourse to some expedient to open Parliament, declaring, that so thoroughly convinced was he of the necessity, that he would apply the maxim on this occasion of *aut inveniam aut faciam*; and as a farther confirmation, that the means proposed were constitutional, his Lordship adverted to a Precedent that had occurred in 1739, in the reign of George the Second,

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when Lord Hardwicke had been Chancellor. He said, he had well known that noble Lord, and a Judge of more prudence and caution, and, at the same time, of more firmness, had never existed. Lord Hardwicke, his Lordship explained, had put the Great Seal to two separate Commissions in the King's name, when the King was ill, and thought to be in danger. He dwelt for some time on this circumstance, and relied on it, as an argument strongly in favour of the doctrine he had laid down and maintained. He said, one great reason, among others, that ought to weigh with some of their Lordships in favour of opening the Parliament, and passing a Regency bill, was, that if such a bill did not pass, the present Ministers would, of necessity, be obliged to retain their places, because without such a bill, they could not possibly resign their offices. His Lordship concluded with moving, "that it was expedient and necessary, that a Commission for opening the Parliament, be issued under the Great Seal in the form following: [The form that followed, was the customary one of all Commissions issued under the Great Seal of a Parliamentary nature, with the difference only of the object.]

As soon as the motion had been read at length by Mr. Arcott, and put from the Chair,

Lord Portchester rose, and began by stating, that, in his mind, it would be a sufficient answer to all the noble and learned Lord had said, to ask if it were indispensably necessary to put the Great Seal to such a Commission as was now proposed, why had not the proposition been made two months ago? But he would not content himself with that short reply; the proposition was so objectionable, that he would just state a few observations that occurred to his mind upon it. The two Houses had been obviously mispending their time, and drawing down ridicule on their own authority, by the manner in which they had proceeded. They had been induced to resolve, that it was their right and their duty to supply the defect in the exercise of the Royal Authority, and now they were told by those, who had persuaded them to vote such a Resolution, that it was necessary to open the Parliament, and that a Regent could not be made but by an Act of Parliament. Another Resolution they had voted, stated, that it was with a view to keep the Royal Authority whole and entire. And how had that object been fulfilled? By taking a portion of the Royal Authority into their own hands, by parcelling out another portion of it to the Queen, and by delivering over the remaining portion to the Regent, thereby enfeebling and maiming the necessary powers of Government, and rendering it absolutely impossible, that the Country should be well governed, or governed with any degree of energy and vigour.

His Lordship warmly reprobated what he termed the folly of this system, and observed, that the perfection of the political capacity of the Crown, was what the Lawyers affected to adore, and to hold up as incapable of diminution; and yet in the teeth of that doctrine, the two Houses had crippled and maimed that political perfection of the Crown, and were about, by their mode of proceeding, to send it down to Westminster-hall, not such a deity as the Lawyers professed to worship and adore, but an idol mangled and defaced, stript of its proportions, and deformed by the hand of illegal innovation and unconstitutional violence. Such an Act as they meant to pass, his Lordship said, would be disputed in the courts of law, and could therefore answer no wise purpose, because it must necessarily carry a forgery on the face of it. His Lordship, in proof of this doctrine, referred to the 33d of Henry the Eighth, whereby it was declared, that to pass a bill legally, the King must either be present on the throne, and signify his consent to the same in person, or signify it by Commissioners, authorized to declare it under Letters Patent, sealed with the King's sign manual, and subscribed with his name written by his own hand. This, his Lordship contended, was clear indisputable law, and as a proof that it was so, he produced and read an extract from an Act of the first of Philip and Mary, passed for the purpose of taking off the attainder of the Duke of Norfolk. He explained, that during the last illness of Henry the Eighth, while the King was incapable of any act of Royal Authority, an Act was passed by the two Houses, attainting the Duke of Norfolk, which Act, for the reason stated, received the Royal Assent by a Commission, that was issued under Letters Patent, wanting the King's sign manual and signature. The Act of Philip and Mary, his Lordship said, was a public Act, being declaratory of the law of the land, and therefore it was to be relied on as indisputable authority.

He condemned the proposed second Commission, for giving the Royal Assent to a bill, by the two Houses in the King's name, as an attempt to assume the exercise of the Royal Authority, and as something worse than nugatory, and insisted upon it, that whoever put the Great Seal to a Commission, without the King's special authority, would be guilty of an illegal act. The noble and learned Lord, he said, had himself confessed, that the Lord Chancellor did not dare to put the Great Seal to such a Commission on his own accord. [*On the Lord President's shaking his head*] He said, the noble and learned Lord had expressly declared, that the Lord Chancellor would not venture to take such a step himself. After urging this very forcibly, his Lordship recurred to the Precedent of the early part of Henry the Sixth's reign, and said, the noble and learned Lord had forgot the Precedent. It stated, that the Duke of Gloucester applied to

to Parliament to know, what powers he had in Parliament? when the answer was, "You have no right do interfere, the King being in Parliament, and of years of *meet discretion*." His Lordship insisted much upon this part of the Precedent, and contended, that the grounds upon which the answer rested, was the circumstance of the King (Henry the Sixth) having been brought down to his Parliament at six years of age, and seated on his throne. After reasoning for some time on this point, his Lordship said, unless they meant to become a Republic, the doctrine laid down that day, was the most dangerous that could be broached. There was, he observed, another mode of proceeding, which, although he did not wholly approve, was far preferable to that proposed; and that was, to order a Commission to issue under the Great Seal, appointing a Regent, and thus, without delay, restoring the Royal Authority. This mode would, at least, be free from all the other objections, that the mode proposed would be liable to; it would save the Royal Prerogative from being invaded, and keep the Legislative Rights of the Crown sacred. His Lordship stated, that there was an Act on the Statute Book, passed in a reign many years antecedent to that of Henry the Eighth, which stated, that there should be no alteration of the Prerogative. The Act he alluded to was, he said, the sixteenth of Edward the Second. He reminded their Lordships also, that a declaration was entered on the Journals of the House of Commons, which expressly maintained the same doctrine. After laying considerable stress on this, his Lordship concluded his speech with declaring, that notwithstanding all the noble and learned Lord's arguments about the absolute necessity of the measure, he was convinced the end would be more constitutionally attained without it, and therefore he never should vote more heartily, or with more detestation of a proceeding, than he should that day give his vote against the motion proposed.

The *Lord President* rose again, and said, he begged pardon of the Committee, for having omitted to mention the Acts of Parliament alluded to by the noble Lord. It really had been his intention to have taken some notice of them, but in the course of his speech, they had escaped his memory. With regard to the 33d of Henry the Eighth, upon which reliance had been placed, he took that statute to be merely *affirmative*, and that the sole object of it was to declare, that the King might signify his royal assent to a bill, by a Commission, issued under the authority of letters patent, signed by the King's sign manual, and subscribed with his royal signature; but that it by no means warranted an inference, that therefore the royal assent could not be signified by any other means. With respect to the Precedent of the conduct pursued in regard to the Duke of Gloucester's

appeal to the Parliament, in the early part of the reign of Henry the Sixth, his Lordship said, he construed that part of it very differently from the noble Lord. He considered the passage of "the King being in Parliament, and of years of *meet discretion*," to mean, that the Parliament declared, that when the King was in Parliament, and of years of *meet discretion*, then the Duke of Gloucester would have no authority to interfere in Parliament, otherwise than as an individual Peer of Parliament. A Commission passed in the King's name, under the Great Seal, his Lordship contended, had the same force as if the King himself had authorized the act it tended to sanction. A Precedent directly contradicting the noble Lord's inference, had, he said, been put into his hands since he came into that House. He could not, therefore, vouch for its authority, although he had no doubt it might safely be relied on. The Precedent stated, that in the 28th of Elizabeth, an Act had passed by a Commission issued under the Great Seal, but without the sign manual of the Queen, or the royal signature.

Lord Portchester persevered in his constructions of the Precedent of Henry the Sixth, and having desired that the Precedent might be read, maintained, that the true sense of the words was that he had put upon them.

The Duke of York rose unexpectedly at this moment, and said, he had not been informed, that it was intended to insert his name in the Commission, and therefore it had not been in his power to take any steps to prevent it. He could not sanction the proceedings with his name, not wishing it to stand upon record, and be handed to posterity, as approving such a measure. His opinion of the whole system adopted, was already known; he deemed the measure proposed, as well as every other that had been taken, respecting the same subject, to be unconstitutional, and illegal. He desired, therefore, to have nothing to do with any part of the business, and requested that his name, and that of his brother, the Prince of Wales, might be left out of the Commission.

The Lord President said, upon a requisition thus communicated, there could be no hesitation. He should not for a moment resist the Royal Duke's desire, but would readily agree to omit his Royal Highness's name, and that of his Royal Highness the Prince of Wales.

The Duke of Cumberland next rose, and desired that his name, and that of the Duke of Gloucester, might also be omitted.

Some little difficulty here arose, as to the mode of complying with their Royal Highness's requests. Lord Walsingham suggested, the regular Parliamentary form of proceeding, that of reading the passage of the Commission desired to be omitted, and putting the question, "That these words stand part of the motion."

tion." This being admitted to be proper, his Lordship put the question in form, on the passage that described his Royal Highness the Prince of Wales, and declared, "that the *Not Contents* had it," which of course, in a due parliamentary form of proceeding, would have left the words out of the motion. But no sooner was the question decided, than *Lord Fitzwilliam* rose, and remarked, that if the means of leaving out his Royal Highness's name that had been referred to, were suffered to go upon the Journals, it would convey a marked disrespect to his Royal Highness.

This gave rise to some altercation, in which *Lord Kinnaird*, *Lord Portchester*, and *Lord Derby* took part.

The *Earl of Derby* animadverted on the present difficulty, which he charged to have arisen from the reprehensible conduct of Ministers, who, he declared, had all through the business proceeded without plan or system of any kind whatsoever. His Royal Highness the Duke of York had desired that neither his name, nor that of the Prince of Wales, might stand in the Commission, now moved to be issued by the authority of the two Houses under the Great Seal for opening the Parliament. It was astonishing to him, that the noble and learned Lord should not have been aware so lately, as the preceding day, that it was intended to move for such a Commission. He conceived it to have been impossible for the noble and learned Lord, to have come forward and stated it to that House, without having first consulted his Royal Highness the Prince of Wales upon the subject. The noble and learned Lord had the preceding day had an opportunity of communicating with his Royal Highness. Why had he not communicated the next step that was to be taken? If the noble and learned Lord had done this, the House would not have been involved in their present awkward and embarrassing situation. His Lordship declared the measure, to which their Lordships were called upon to give their consent, to be wholly unnecessary, and said, it was a fresh instance of disrespect to the Prince of Wales, added to the several others that had preceded it.

The *Lord President* rose to exculpate himself from any intention to shew disrespect to the Prince of Wales, the Dukes of York, Gloucester, or Cumberland, by the insertion of their names in the Commission under consideration. His Lordship said, it was the usual and uniform practice to insert the names of all the Royal Family who had seats in that House, in every Commission that had any relation to Parliamentary transactions. To have omitted the names of the Prince of Wales, the Duke of York, and the two other Royal Dukes, would therefore have been a marked disrespect to their Royal Highnesses, and would, with great justice, have been urged as matter of complaint, and

of censure, against his Majesty's Ministers. Being upon his legs, and speaking on that topick, his Lordship said, he would say a word or two touching a charge of disrespect to his Royal Highness the Prince of Wales, that had, he understood, been imputed to him in another place. No man that knew him, his Lordship trusted, would think it possible, that either in the instance of the Commission then before their Lordships, or in any other, he could have intended the smallest degree of disrespect to his Royal Highness. He was sure he had never meant any thing like it, but least of all was it chargeable to him in the instance in which it had been imputed elsewhere, viz. that of summoning his Royal Highness to the Privy Council, convened to enquire into the state of his Majesty's health, previous to the meeting of the two Houses after their first adjournment. On that occasion, as President of the Council, he had thought it his duty to enquire of Mr. Falconer, what was the usual distinction paid to the Royal Family in desiring their attendance? He had been given to understand, that the only difference made between summoning the Royal Family and other Privy Councillors was, the enclosing the summons, signed by a Clerk of the Council, under a cover, and leaving it at their house. That did not satisfy his mind, nor did he think it sufficiently respectful; he therefore wrote his Royal Highness a letter, and signed it, which he enclosed in a cover, and transmitted to Lord Southampton at night, not by an ordinary but by a special messenger, desiring to know, if that was the most respectful mode of addressing his Royal Highness, and the answer was, that it certainly was the most respectful. Lord Southampton, the Earl observed, was present in the House, and would doubtless rise and set him right, if he had mistated any particular. If therefore it were a fit subject for boasting, his Lordship said, he might fairly boast of having been the first Lord President of the Council, who had distinguished himself by going out of the usual way, in order to pay his Royal Highness more than ordinary respect. His Lordship pressed this argument upon the Committee, as an undeniable answer to the charge of intended disrespect to the Prince of Wales on his part.

The *Earl Fitzwilliam* insisted upon it, that what had fallen from the noble and learned Lord, was no proof that disrespect had not been shewn to the Prince of Wales in the instance alluded to. The Earl contended, that when it was resolved to convene a Privy Council, his Royal Highness ought to have been apprized, that such a step was in consideration, and it ought to have been explained to his Royal Highness, upon what principles it was deemed proper. It was in that omission that the disrespect consisted, not in the mode of summoning his Royal Highness to the Council. In the present instance, the Earl said, his Majesty's

jeſty's Miniſters had offered the Houſe a commiſſion, in which his Royal Highneſs had been included, and they had never acquainted him, with their intention of doing ſo.

Lord Stormont roſe, and another noble Lord riſing at the ſame time, *Lord Stormont* ſaid, he would not detain their Lordſhips many minutes from the pleaſure of hearing the noble Lord. He roſe to ſuggeſt, that the Archbiſhop of Canterbury ſhould ſtand as the firſt named Commiſſioner, omitting the whole ſentence that preceded his Grace. His Lordſhip obſerved, that the noble and learned Lord had ſaid, that in all commiſſions, the names of the Royal Perſonages ſhould be inſerted. Here, therefore, lay the miſtake. The difference had not been obſerved between the commiſſion then propoſed, and the commiſſion that ordinarily iſſued. This difference was ſurely enough to have ſtarted a doubt in the minds of his Maſteſty's Miniſters, and to have induced them to have aſked previously, whether their Royal Highneſſes would or would not have choſen to have had their names inſerted in ſuch a commiſſion. Having ſtated this, his Lordſhip ſaid, when he heard a noble and learned Lord claim merit, for having put a ſummons under a cover, and ſent it to his Royal Highneſs the Prince of Wales, he could not but queſtion the ground upon which that claim of merit reſted. What! was it reſpectful to his Royal Highneſs, when they were to diſcuſs the moſt melancholy ſubject that could come under conſideration, an enquiry into the ſtate of his father's health, to omit conſulting his Royal Highneſs, whether he thought ſuch a ſubject proper for the diſcuſſion of the Privy Council? Would any one of their Lordſhips ſay, that they would not have done that for the Prince of Wales, which they would have done for a common individual? When they were going to inſtitute an enquiry, that concerned the Prince of Wales more immediately, and more peculiarly, than any other individual in the kingdom, would they not in decency aſk, whether his Royal Highneſs had any objection to ſuch an enquiry? His Lordſhip contended, (upon the ground of Mr. Burke's argument in the Houſe of Commons of Tueſday laſt) that the conduct purſued by Miniſters had been ſingular, diſreſpectful, and improper.

Lord Radnor roſe to ſtate, that he preſumed, it would be more regular and more ſatisfactory to his Royal Highneſs the Prince of Wales, and the other Royal Perſonages, who deſired their names to be omitted in the commiſſion, that the motion ſhould ſtand as it was originally moved, and that they ſhould annex a note, that his Royal Highneſs the Duke of York being preſent, when the ſaid motion was made, and expreſſing a deſire, that his name, and that of his Royal Highneſs the Prince of Wales be omitted, and his Royal Highneſs the Duke of Cumberland being alſo preſent, and having expreſſed a deſire that his name, and that of his Royal brother the Duke of Glouceſter be omitted, leave was given to omit the

same accordingly. This proposition, his Lordship conceived, would obviate all possible appearance of disrespect to the Prince of Wales, or either of the Royal Dukes.

Lord Radnor's suggestion gave rise to a short conversation, in which the Duke of York expressed his concurrence with the noble Earl's proposed amendment, and declared, that although he had no direct authority from his brother, the Prince of Wales, to signify his desire, that his name might be omitted in the intended commission, yet, as his Royal Highness and himself had entertained one and the same opinion respecting all their proceedings in this business, and considered the whole of the system adopted, as unconstitutional and illegal, he would take upon himself to answer for the Prince of Wales, and to declare, that his Royal Highness would not wish to have his name inserted in the Commission.

At length it was settled, that the motion should stand as it did, and that when reported to the House, Lord Radnor should then move his amendment, that it might appear on the Journals, that it was at the desire of their Royal Highnesses the Dukes of York and Cumberland, being present, that their names, and those of the Prince of Wales and Duke of Gloucester were omitted in the Commission.

Lord Stormont rose just as Lord Walsingham was putting the Question, and declared it had not been his intention to have troubled their Lordships thus early in the debate; he said, he always rose with diffidence, but he then desired their Lordships attention, under circumstances of peculiar difficulty and embarrassment, on account of the absence of the two noble and learned Lords, whose abilities were, at all times, of the highest advantage to their Lordships, but whose professional knowledge was, upon a question of that sort, peculiarly necessary.

The noble and learned Lord had complained of delay; he begged to ask the noble and learned Lord, to whom they ought to ascribe that delay? Let the noble and learned Lord prove, why it was necessary to discuss the Question of Right before they proceeded to make a Regent. Had not that discussion been unnecessarily obtruded upon them, they might have made a Regent six weeks ago. With regard to the two commissions intended to be issued under the Great Seal, he had a strong objection to both, but a much stronger to the second, than to the first. The second, he had the authority of the law of the land to pronounce *illegal*, and the first was clearly *informal*; not that he meant to rely much on the informality of the commission now proposed; it certainly was not a strong ground of objection, because, it must be admitted, that no mode of opening the Parliament could be adopted, that was perfectly free from that objection.

The noble and learned Lord had, he observed, stated the 33^d of Henry the VIIIth, to be merely an *affirmative* statute. Let the noble

noble and learned Lord recollect a subsequent Act of Parliament, that had passed in the first year of Philip and Mary, the object of which was to take off the Attainder, attempted to be passed in the last year of the late King, on the Duke of Norfolk, and which declared the Act authorising that Attainder to be of none effect. His Lordship produced, what, he said, he considered as an authentic manuscript copy of the statute, for, although it was, to all intents and purposes a public act, it was most unaccountably not to be found among the printed statutes. His Lordship read the enacting clause, and contended, that it amounted to a direct contradiction to the noble and learned Lord's assertion, that the 33d of Henry the VIIIth, was merely an *affirmative* statute. Having laid considerable stress on this authority, Lord Stormont adverted to the commission, which the noble and learned Lord had informed them, was hereafter to be issued, and which was, he said, neither more nor less than an attempt to make an Act of Parliament by the two Houses, through the means of the fiction, and without the actual exercise of the Royal Prerogative. He would ask the noble and learned Lord, whether, *pro hac vice*, the negative of the Crown, that essential barrier of regal Authority, was not to be suspended? The noble and learned Lord must answer in the affirmative, because the Commissioners had no power to dissent from the Bill proposed.

He adverted to the speech of the Lord Chancellor on a former occasion, and said, it was an encomium by anticipation, a kind of funeral oration on the departing Prerogatives of the Crown. The plain fact was, that by the second commission intended to be issued, the two Houses assumed the Legislative Authority into their own hands, in defiance of the statute of Henry the VIIIth, in defiance of the known principles of the Constitution. It had, he observed, been asserted, that necessity warranted that mode of proceeding, and that what the necessity of the case required, necessity justified. He subscribed fully to that doctrine, but he denied its application in the present instance, because there were other modes of proceeding, that might have been resorted to, less dangerous, less unconstitutional. Was there not a mode, within their reach, consistent with all the limitations? What prevented them from adopting this mode:—to address the Prince of Wales to take upon him the exercise of the whole legislative authority of the Crown? His Lordship reasoned on this proposition, and urged its expediency and its safety, repelling every suspicion that the Prince would not have sanctioned a bill, containing the Limitations and Restrictions, by asking, if it were possible to imagine his Royal Highness to have been so ill advised, as to refuse his assent to a Bill, without the passing of which he could not have been Regent.

It

It was, he said, an unmanly proceeding, to assume the power of the Crown, while it lay prostrate at their feet. Let the Committee recollect, that when they were called upon to strike at the legal constitutional right of the Crown, the Crown was utterly incapable of defence. His Lordship declared, that the proceedings of the two Houses had tended more, within the last three months, to introduce and sanction Republican principles, than they had ever done since he was in the political world. He said, he railed not at Republican principles; he knew a Republic was beautiful in theory, but, in the nature of things, incompatible with the practice of our Constitution; he was not, however, so ignorant of what passed in his own country, and in other parts of the world, but that he could see Republican principles made a greater progress than ever.

A Philosopher, he observed, had existed, who stated it to be a misfortune, that Englishmen were accustomed in their early years to classical studies, which were supposed to strengthen youth, to benefit our maturer, and to solace and support our declining age, and that such a mode of education prevailed in this country, because, said the Philosopher, it gave the young men of England too early a love for Republican principles, and too strong an idea of the independance of man. The system of British education, his Lordship said, certainly produced the effect complained of by the Philosopher in question. His Lordship argued upon this collaterally, and, after adding some farther reasons, why he should strenuously oppose the second Resolution, whenever it should be brought forward, said, he should certainly vote against the motion.

Lord Hawkesbury began with lamenting the absence of the two noble and learned Lords, which, had it not happened, would, he said, have saved their Lordship the trouble of hearing him upon a question, which was not only of most serious importance, but he must say of great legal nicety. The noble Viscount, and other noble Lords, had complained of the delay, that had occurred in the course of their proceedings; that delay undoubtedly would not have taken place, had not the Question of Right been started, which was no sooner started, than it became absolutely necessary for the two Houses to discuss and decide upon it. The noble Viscount, he observed, had talked much of Republican principles, and asked, whether studying the authors of Greece and Rome did not incline the youth of this country too much towards those principles? He wished the youth of Great Britain to study the constitution of every other country, that they might learn the defects of each, and, by that means, be the better enabled to judge of, and admire the beauties and benefits of their own Constitution. The measure now proposed was, his Lordship said, governed by the necessity of the case, and so it ought to be, but sure

sure he was, that it did not exceed it. Necessity, he was aware, was generally deemed the tyrant's plea, but that was a pretended, not a real necessity. He declared, he knew not where to resort to, to find a case like the present, or to learn from what already happened, what were the steps that ought now to be taken. From the books of Mr. Justice Fortescue and Mr. Justice Blackstone, he knew that the name of a Regent, the power of a Regent, and every idea of Limitation and Restriction, were wholly unknown to the common law of this country. His Lordship here adverted to the Revolution, and went over the same ground as to its inapplicability as had been used in the House of Commons. With regard to the objections to the present proposal, as a means of opening Parliament, let the Committee recollect that there was nothing for law to operate upon but a mere form; and if they held the doctrine that had been advanced that day, they must remain where they were, without being able to proceed to any one act of the Legislature whatever. His Lordship alluded to the doubt that had been seriously entertained in the reign of Henry the VIth, whether Henry the Vth could make a will, and thereby appoint his successors to different parts of his dominions. His Lordship reasoned upon that fact, and then reverted to our own history, declaring, that he could trace two memorable instances, in which commissions were held, and acts passed, without the Royal signature, and those were the instances referred to by the noble and learned Lord, who opened the debate, and which happened in the reign of George the II^d. His Lordship explained the principles on which Lord Hardwicke had put the Great Seal to those Commissions, to guard against the danger of the King's death. His Lordship added other arguments in support of the motion.

The *Earl of Carlisle* declared, it had not been his intention to have troubled their Lordships that day, but, what had fallen from the noble Lord who spoke last, made it necessary. His Lordship said, the noble Lord had desired them to recollect, that the delay complained of on all sides the House, had been occasioned by the Question of Right having been agitated. He declared he would not suffer such an assertion to pass, without desiring their Lordships to recollect, who it was that started that Question in the most unprovoked manner. Let them read the declaration of his Royal Highness on that point, which proved the discussion of that Question to have been wholly unnecessary. With regard to the early part of the reign of Henry the VIth, the noble Lord had not more respect for that period than he had, but, let their Lordships recollect, that the Bishop of Durham, at that time Lord Chancellor, resigned the Seal into the hands of the infant King, and that the great men of that day, directed the Master of the Rolls to put the Great Seal to various commissions, and that one single

single person was appointed to hold the Parliament, viz. the Duke of Gloucester, who was the nearest a kin of any person in the realm to the King; by the same mode of argument, the Earl contended, that the Prince of Wales was the proper person now to be appointed to exercise the Royal Authority. His Lordship remonstrated against the mean, cowardly system then proposed of attacking the Crown when it was defenceless, of maiming and mutilating the prerogatives of his Majesty, and cutting off the hairs of his strength, while his head lay in their lap. He said, such a plan could only be founded on a low suspicion, that if the Prince of Wales were appointed Regent, he would not give his assent to the Bill of Limitations and Restrictions, proposed by the two Houses; an apprehension which no man dared to avow.

Lord Hawkebury explained, that the Duke of Gloucester had been named Protector in the reign of Henry the Sixth, by the Parliament, and by a commission to which the Great Seal was affixed by their authority, and not by that of any other power.

Lord Osborne (Marquis of Carmarthen) said, the noble Earl seemed to have stated, that the question proper to be adopted was, whether it was not more advisable to appoint one person to open the Parliament, than to name Commissioners for the purpose, if he could guess from a circumstance that had occurred in the debate that day, the difficulty would not have been diminished. His Lordship spoke of the Princes of the blood, in terms of great respect and affection, and said, no man was more ready than he was to declare, that he had not the most distant suspicion, that if his Royal Highness the Prince of Wales were, in the first instance, declared Regent, that his Royal Highness would not refuse his assent to a Bill of Limitations and Restrictions on his Regency, but he could not consent, that in a Question of that kind, the House ought to be governed by personal confidence, because, if that were the case, the great barriers of the Constitution might one day be thrown down, in compliment to the personal virtues of an individual. Some of the harsher arguments of noble Lords who had spoken against the Question, (for several of whom, the Marquis declared, he entertained great private friendship, and very sincere regard) he attributed rather to the accidental heat of debate, than considered as the serious result of their sober judgment. His Lordship observed, that he and his colleagues had been accused of favouring Republican principles, and of curtailing the Prerogatives of the Crown, in a moment when the Crown was defenceless, and thus taking advantage of the King's incapacity. Those noble Lords who held this doctrine, talked as if the Throne was vacant, as at the time of the Revolution; a distinction which the noble Lord who spoke last, had very clearly, and in his mind, unanswerably pointed out. His Lordship added other sensible and pertinent remarks, paying several compliments to the House of Brunswick,

Brunswick, but declaring, that no private predilection ought, in his mind, to be suffered to have any influence in a discussion on a great constitutional Question.

The *Earl of Carlisle* took notice of what Lord Osborne had dropped, relative to the Duke of York, and the Duke of Cumberland, having desired their names, and that of his Royal Highness the Prince of Wales, and the Duke of Gloucester, to be struck out of the commission, a proceeding which, he contended, *was* in every point of view, justifiable. His Lordship also disclaimed the idea of the Prince of Wales desiring that House to pay any compliment to him on the principle of personal confidence.

Earl Fitzwilliam made a short speech against the motion, observing that the two Houses had resolved, that it was their right and duty to supply the defect of the Royal Authority, and that they immediately followed it, by resolving, that that defect could not be supplied otherwise, than by the authority of an Act of Parliament.

The *Earl of Hopetoun* rose next, but his Lordship spoke in so low a tone, and the House were so impatient for the Question, that it could not be collected what his Lordship's arguments consisted of.

The Question was then put, and carried without a division.

It was next moved, that the Resolution be immediately reported to the House, which was done as soon as the House was resumed, and the House agreed to the Resolution.

Lord Radnor moved his amendment, which was also voted.

The blank in the commission was then filled with the words, "Tuesday, the 3d of February," and the House having resolved, that a conference be desired with the Commons on Monday, and the said Resolution reported to them, and their concurrence desired, the House rose, it being *half after Eight o'clock*, and adjourned to Monday.

MONDAY, FEBRUARY 2.

HOUSE OF LORDS.

THE Lord Chancellor continuing indisposed, Lord Bathurst again presided for him.

Upon motion, the Masters in Chancery were sent down to the Commons, to desire a conference in the Painted Chamber; which
being

being agreed to, the following noble Peers were appointed to manage it on the part of their Lordships :

The Marquis of Stafford,	Lord Amherst,
Bishop of Salisbury,	Lord Pomfret,
Bishop of Exeter,	Lord Sydney,
Bishop of St. David's,	And Lord Dover.

The conference was held for the purpose of informing the House of Commons of the Resolution for appointing a Commission to open Parliament, which they had passed on Saturday.

Their Lordships being returned, the House instantly adjourned.

HOUSE OF COMMONS.

THE *Chancellor of the Exchequer* having come down to the House about half after four o'clock, presented the answer given by his Royal Highness to the Address, which was ordered by the House to be read.

Lord Courtoun also presented the answer given to the Address of the House to his Majesty, which was also received and read.

[Both these Addresses are the same, which precede the Debate in the House of Lords on Saturday.]

Immediately after the above answers had been read, a message was announced from the Lords, demanding a conference, and the same Gentlemen who managed the last conferences, being appointed to confer with their Lordships, and having waited on them in the Painted Chamber for that purpose, returned to the House with the Resolution of their Lordships, for the purpose of discussion.

The Clerk read the Resolution, which was a transcript of the writ usually issued under the sign manual, empowering Commissioners to open and hold the King's Parliament at Westminster, &c. The Commissioners nominated in their Lordships Resolution, were the Archbishop of Canterbury, the Lord Chancellor, the Lords President and Privy Seal, Lords Weymouth, Chatham, and some other Officers of State.

The *Chancellor of the Exchequer* moved, that the consideration of their Lordships Resolution, he referred to the Committee appointed to sit on the State of the Nation; being seconded,

Mr. Brandling rose to express his concern, that any thing which had dropped from him on a former debate, should give rise to the many unhandsome reports, which had gone abroad to his disadvantage.

vantage. He confessed it was exceedingly improper to make use of any expressions that deserved, in the least degree the censure of the House. As a man of honour, he had the feelings of one; and, as a Member of Parliament, he knew what was due to that situation, and at the same time that he apologized for any inadvertent conduct of his on a preceding evening, he also complimented the generous conduct of a certain Hon. Gentleman (we suppose Mr. Grey) who rose in vindication of the High Sheriff; still he did not mean to retract those expressions which he had bestowed on a man capable of breaking his promise.

The order of the day being read, for the House to go into a Committee on the State of the Nation, and

Mr. Brook Watson having taken the Chair,

The *Chancellor of the Exchequer* was of opinion, that during the suspension of the Royal Authority, no person had a right to act in the operative capacity, without the approbation of the two Houses of Parliament; and this opinion, he declared, to be the sentiment of a large majority of the House. The rights and duty of both Houses being thus constitutionally and justly ascertained, it must be admitted, that, for the welfare of the State, it was essentially necessary, that the defect in the executive branch of the Government should be immediately supplied; on this subject two questions would naturally arise. The first was respecting the passing of a bill without the Royal Assent—and the second question was, how that assent was to be procured. In the first instance, the absolute necessity of taking such a step qualified the measure; and, as to the second, the Great Seal, he insisted, in the present situation of public affairs, was the highest organ to be consulted to insure the harmony of public measures. If, during the health of the King, the Lord Chancellor had made an improper use of the Great Seal, contrary to his Sovereign's wishes, still the act would be binding by law; and though he may be punished by Act of Parliament, still the instrument would not be invalid.

If then, this was the case, how could it be objected to, when the Throne was not vacant, to have it applied to an use the most conducive to the welfare of the State. The Throne, he insisted, was full, and that by the appointment of the Prince to the Regency, the House only supplied the intermediate dignity of the Royal Authority; but it could not, in justice, place a King upon the Throne; as then the Great Seal was allowed to be substantially a legal organ, there could be no doubt but that it would be better to make it the instrument to give the last sanction to the Bill, than make the Representative of the King give the Royal Assent to a Bill, to qualify himself to fill the deficiency in the executive branch. The Chancellor of the Exchequer, after proceeding at large on the question, and entering into a repetition
of

of those arguments which have been already repeated to the public, moved, "That it was the opinion of the House, that it should agree to the Resolution which had been referred to them by their Lordships."

Mr. Dempster said, the Resolution before the House only went to empower the opening of Parliament, and wished to know, was there not to be another commission issued to give the Royal Assent to the Bill, and thereby deprive the Regent of exercising that branch of his prerogative. From what dropped from the Right Hon. Gentleman, he thought the question almost needless, though he had not avowed his intentions.

The *Chancellor of the Exchequer* admitted, that a second commission was in contemplation.

Mr. Dempster condemned the mode proposed, as going a step beyond the necessity of the case, and therefore unnecessary and unconstitutional; he considered it as an ungenerous and an unmanly attack upon the prerogatives of the Crown, when there was no one to defend them; the mode pointed out by justice and the constitution, he conceived to be an Address to the Prince to take upon himself the exercise of the Regal Authority; they ought, therefore, as a necessity existed to put the Great Seal to a Commission, to appoint, by such Commission, the Prince of Wales Regent, with the full powers of assent and dissent, and all the other prerogatives of the Crown; if they did not do this, there was, he said, nothing to hinder them from continuing the session, till God should please to recover the King, for Commission after Commission might be issued, in the King's name. The Prince of Wales, *Mr. Dempster* contended, ought to have been chosen alone.

The *Master of the Rolls* desired, if any amendment was intended, they might move, that if his Royal Highness was appointed to the exercise of the whole Royal Authority, that it would be doing no less than dethroning the King.

Mr. Dempster, in reply, said, he meant no more than to appoint the Prince, with the power of assent and dissent, to open the Parliament, instead of its being opened by the Commissioners proposed.

The *Master of the Rolls* said, such a measure would exceed the necessity of the case, and therefore be improper; as it would be at once putting the power out of their hands, and rendering it possible that no Bill would be agreed to, but what might contain powers exceeding the necessity of the case.

Lord North said, the idea of the Hon. Gentleman, behind him, seemed to him to be more legal and constitutional, than that of the Hon. Gentleman over the way. His Lordship said, he was not acquainted with law, but he had some knowledge of the general principles of the Constitution. If the powers of assent and

and dissent were not given to the Representative of the King, no Act that was passed could be considered as an Act of the three branches of the Legislature, but as an Act of the two Houses; the mode proposed he deprecated.

He did not, he said, quarrel with the Gentlemen if they gave the form of the Constitution for its substance; as giving the Great Seal, instead of the fundamental principles of the Constitution. His Lordship observed, upon the doctrine of no man having a right to aver against a record; they would, however, have a right to dispute this being a record. He spoke of the answer of the Prince, in terms of warm eulogy, after which answer he considered, that the Right Hon. Gentleman carried his jealousy too far, by taking measures as if he imagined the Prince would break his word. After dwelling for a few minutes on the propriety of the Prince's conduct, and on the impropriety of the mode proposed, he said, the answer of the Prince must diffuse general satisfaction, and create an agreeable surprize through the country, and do away those false alarms which had been industriously circulated, of a right having been asserted in the Prince to assume the Sovereign Authority, independent of the two Houses of Parliament: he was sure, that the country being convinced of that right having never been asserted, that all who had sent up Addresses for the refutation of that Right, from the Burgesses of Edinburgh and Glasgow, and from the Western towns and counties in England, would be happy and rejoice in seeing the Prince's answer, which fully refuted the false assertion of such a Right having ever been made. His Lordship concluded with asking, if the three branches might not, in a choice of irregularities, avoid the present circuitous mode, and take the direct and obvious path of declaring the Prince of Wales Regent.

Lord John Townshend declared, his understanding was too dull, and he believed reason would remain so, to conceive what was meant by the King's political capacity remaining entire, which was so constantly asserted. He wished to ask one question, was there a dissolution of the government or not? He should be answered there was not; that the courts of law were kept going on, that private property was protected, and all legal business executed as usual. If then there was no dissolution of government, what pretence was there for the people to interfere? They having delegated their authority, they had no right to interfere; it followed of course, that the government was dissolved, or that they had no right whatever to interfere. His Lordship reprobated the mode proposed, as forming a maimed and crippled government, and quoted the Acts of the 33d of Henry the Eighth, and the 1st of Philip and Mary, to prove the illegality of any commission without the King's signature. The plan formerly proposed, his Lordship said, by that side of the House, of

addressing the Prince of Wales to take upon himself the exercise of Sovereign Authority, would have at once prevented all fraud, all fiction, and met the ardent wishes of the people. Had this been done, there would have been a person to have given his assent or dissent, and to have affixed his signature to a Commission, so as to have given it full authority.

Mr. Elliot rose, to say a few words in answer to the noble Lord's arguments. He said, if Gentlemen adverted to the Bills of Regency that had last passed, they would have found, that in those Bills the powers of the Crown were not all vested in the Representatives of the Crown. That by those Bills, not only the Representatives of the Crown were restrained from generally exercising the Prerogatives of the Crown, but that the Legislature itself was, in a similar degree, restrained from exercising its own undoubted rights and privileges. *Mr. Elliot* explained himself, to allude to three specific Bills, which the Regency Bills in question restrained the Representatives of the Crown in particular, and the Legislature in general, from either assenting to on one hand, or discussing and debating on the other. *Mr. Elliot* spoke of the undoubted right of the prerogative of the Crown, to give its dissent to all Bills passed by the two Houses, and argued from that admitted fact, that the suspension of that constitutional power must be attributed to the necessity of the case, which had then, as it did now, superseded every other consideration.

The *Attorney General* began a very able speech with paying a compliment to *Mr. Elliot*, declaring, that the Hon. Gentleman who spoke last, had with extreme good sense, and a degree of diffidence that always accompanied extraordinary good sense, given in a few words, what he considered to be an unanswerable argument. The noble Lord who spoke last but one, *Mr. Attorney* declared, while he affected perfect ignorance of what was meant by the political capacity of the Crown remaining entire, had given the very best definition of that political capacity that any man had, as yet, attempted. The noble Lord had said, the courts of law went on, private property was protected, and justice administered regularly. That was the precise distinction between the present case, and the case at the Revolution. At that time all the functions of government were stopped. There was not a magistrate, from the lord chief justice down to the meanest constable, who had any authority whatsoever; the whole machine of Government was impeded, checked, and obliged to stop. At present the case, he thanked God, was far different; all the functions of constitutional capacity, excepting only the few instances in which the personal exercise of the Royal Authority was necessary, were in action the same as before.

The noble Lord had asked, if there was not a dissolution of the government, what occasion there was for an interference of the people?

people? If the noble Lord would take the trouble of adverting to the real state of the country, he would find that there was occasion to resort to the representatives of the people, the true source of power, in order to provide for the present emergency, and that in all cases of difficulty that doctrine had been uniformly laid down, and its beneficial effects stated.

Having replied to the material part of Lord John Townshend's speech, the Attorney General observed, that the Hon. Gentleman under the gallery had described the present situation of the two Houses with peculiar force and peculiar propriety. He had stated, that the necessity of supplying the defect in the exercise of the Royal Authority devolved on the two Houses. It undoubtedly did so, and it was their duty to proceed regularly, and constitutionally, to appoint a Regent; delegating into his hands, such of the regal powers as in their Lordships apprehension should seem meet, and necessary for the carrying on of a good government. With regard to a Regent, which they were advised in the first instance to chuse; let those Gentlemen, who contended for such an appointment, shew him were such a creature, as the law stood, was to be met with? Where was it to be found, but in the body of an act of Parliament? They who had said, they might supply the deficiency by addressing the Prince of Wales, could not seriously mean what they said. Unless in the cases of extinction of all the branches of a Royal Family, or what was the same thing, the extinction of the family's claim by forfeiture, as in the case of King James, there was no means of filling the Throne, but that proposed. The only way was for the two Houses to seal a Commission, appointing Commissioners to open the Parliament. Mr. Attorney General said, if they did not assent, and if they gave their voice in the affirmative, to supply a dissent, how did they do their duty in respect to the object proposed?

The noble Lord had said, suppose the Regent should give a dissent, but that was not likely, because that he had given his word, and would not depart from it. He never upon great public questions, Sir Archibald said, founded his opinion on personal confidence. He had expressly laid in his claim, early in the debates on the subject to consider it as the case of a Prince of Wales, and not as the case of *the* Prince of Wales. He disclaimed, therefore, all idea of personality, and would proceed to speak of the Bill upon its own grounds. If the Bill were enrolled, they were bound by it.

The Attorney General proceeded to argue upon Commissions, that were enrolled, and those that were not; the Commissions in Henry the Seventh's time, were, he said, enrolled; in Henry the Eighth's, but few were enrolled. In the reign of James the First the practice ceased. The Attorney General reasoned upon

a variety of collateral particulars, and contended that the signature of Henry the Eighth to the Act attainting the Duke of Norfolk was a forgery. The Attorney General added a great many other particulars to enforce his argument, and asked if there could be a grosser fiction, than that of a child being seated in Parliament, the Chancellor bowing to him gravely, he returning the same bow, and the Chancellor saying it was the King's pleasure, that they should proceed so and so. The Attorney General observed, that the noble Lord had spoken of the conduct of the inhabitants of Glasgow with some derision; he begged to recall the word, he meant with some degree of pleasantry. He enlarged a little on this idea, and considered it as much their duty to vote the Resolution, as it was their duty to vote the Question of Right to be in the two Houses, when it had been asserted that a right existed in the Prince; he concluded with declaring, that he should give his vote for the motion.

Lord North said, he had not spoken of the proceedings of the meetings at Edinburgh and Glasgow with any derision; he conceived that they supposed the propositions moved and voted in that House, had done them a great deal of service. His Lordship spoke ironically of the pleasures the people would derive from the transactions that were going on, and said, there would be no end of their pleasures, until the precedent they had set this day had gone into a principle that might overturn the Constitution. He repeated his doctrine, that the Representative of the third estate, ought to be enabled to give the royal assent or dissent to the bill appointing the Regent, and that without it, he was no true Representative of the Crown. His Lordship said, he held this to be the genuine doctrine of the Constitution.

The *Chancellor of the Exchequer* rose, in order to prevent the impression, which, he said, the noble Lord had endeavoured to fix on that House and on the Country; by the use the noble Lord had made of the Answer of his Royal Highness the Prince of Wales, to the Address of the two Houses. The noble Lord said, his Royal Highness had answered very graciously, and that there had been a general alarm spread throughout the country, lest the Question of Right should be supported. He denied the truth of that proposition, and appealed to the House when that question was in agitation, whether any person voted in favour of that right. He said, the right had not been claimed by the Prince of Wales, but had been asserted by others. That no man had been bold enough to have given his Royal Highness the advice to assert such a right, after the solemn decision of the two Houses of Parliament, was by no means a matter of surprise; and, if any man was to be found so bold, it was not likely that a Prince of the House of Brunswick would have taken such advice. That his Royal Highness's acceptance of the Regency, would

be matter of joy to the people he could admit, but not that it would be matter of surprize. They would not, however, be ready or willing to cast a censure upon Parliament, for repro- bating unconstitutional principles, held and started by those who now lamented their having ever asserted them, and who were afraid and ashamed to avow, and which they seemed willing to retract; principles which never again he hoped would, for a moment, be borne in that House or in the Country.

Mr. Burke denied, that any thing had been retracted. He said, he looked the Hon. Gentleman full in the face, and if he was in an error, was perfectly willing to retract it. The Right Hon. Gentleman had chosen, with great judgment, to attack a Gentleman when absent. The style of his spirit was of a tenor with that of his politics, and he always attacked an enemy in a state of incapacity. The Right Hon. Gentleman had the opportunity of attacking his Right Hon. Friend, Mr. Fox, when he was absent and sick; he had, with the same judgment, attacked the prerogatives of the Crown. His sentiments, he said, never should be expressed in the equivocal, insidious, and unbecoming language of the Right Hon. Gentleman's Resolutions.

Mr. Burke proceeded to assert the right of the Prince of Wales, declaring, that his right was as clear as the sun, and that it was the duty of the House to appoint him Regent with the full powers of sovereignty; his Royal Highness had a right in law, in justice, and in equity. This was a right which had not been opposed even by the Minister, for in the Resolution which had passed the House, it was merely asserted that the right of nominating the proper person was vested in the two Houses of Parliament; but there was no person who would say that this right of nominating, and the right of the Prince to be nominated, were not propositions perfectly compatible with each other.—If the Crown was vacated by the Monarch being reconciled to the Romish persuasion; or if it was abdicated as at the time of the Revolution; there was no person who would say that the right did not immediately rest in the Prince; yet there was no person who would say that the throne should, in these cases, be filled, without the enquiry and consequent adjudication of the two Houses of Parliament.

Adverting then to the late city meetings, for the purpose of moving the Address, &c. Mr. Burke said, that after giving to well-earned property all its merited consequence, he should say, that if persons stepped forward on such an occasion; their conduct, and it differed not whether they were *Paupers* or *Bank Directors*, was open to enquiry. The Right Hon. Gentleman opposite him, had received their thanks for what he had effected throughout the empire. There was, however, one part of that empire,

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where,

This right would be ineffectual & nugatory if it precluded the choice of the Person who should be Regent

where, unfortunately for that Resolution, the Right Honourable Gentleman had effected nothing. He meant to allude, to the present situation of Ireland. It was not to be imagined, he said, that a nation free, loyal, magnanimous, and in the first fervors of its independence, should meekly submit to any system, merely because that system had been proposed by the Parliament of England. This was so far from being a ground of eulogy, that it was, in fact, one of the strongest reasons which could be urged against the present measures. The two kingdoms being totally dissociated, had no common bond of union save the unity of the Crown, and this bond had been dislevered, or attempted to be dislevered, by the Minister, in the instant when he had said, that the Prince of Wales had no more right to the supreme authority than any other individual. With respect to the tenacity with which the persons now in power adhered to office, even to their last grasp, Mr. Burke observed, that this solicitude for a delay was apparent in every measure. The important business of the Resolution had been accomplished in *sixteen days*—from the 26th of December to the 12th of January following; the present business had been now before the House, for more than *two months*, and they were now debating on the very first measure which could be attended with the smallest degree of effect. This fondness for power appeared more particularly in the conduct of the Minister. He appeared in the situation of the malefactor described by the Poet:

*He oft handled the rope, often traversed the cart,
And as often took leave—but was loth to depart!*

The pretext, he remarked, which was urged as the most colourable for these delays, was the state and feelings of the King on his recovery. For this, as if flattery could sooth *the dull, cold ear of death*, they were to insult the sensibility of the Prince, for the sake of one who may never be sensible. They were to depart from the substance of the Constitution to embrace its forms! They were to form a political chaos, in the hope that order may thence be re-produced. They were to introduce an instrument, which though *prima facie* a proof of the royal assent, would prove on due examination to be an absolute *forgery*!

He stated, at length, the great mischiefs that might be apprehended with respect to Ireland, in consequence of the Prince's right having been denied, and of the right assumed by the House; declaring that they tended to militate against the unity of the empire, and that if Ireland chose to make the Lord Mayor of Dublin Regent, or to appoint a number of Regents, we had not the power to prevent it. After reprobating the Resolutions, the mode of proceeding, and the delay, he said the plan now proposed

proposed was to adopt what deserved a worse name than a phantom—they were going to create Milton's monster of Sin and Death. Death to the Constitution, and Sin to the feelings of the Country, to those who were concerned in the measures carried on, who were creating innumerable barking monsters, howling at, and endeavouring to destroy every principle of the Constitution: they were going to steal the Great Seal, to commit a forgery and fraud to support violence, and to carry them on to their climax of villainy. If the House wished to preserve unity in the empire, they ought to appoint a person to represent the King, who was interested in the empire; they ought to trust his Royal Highness upon his word, who hereafter they must trust without; by so doing they would save their Country, and none would suffer but ambitious men. Mr. Burke, amidst a variety of pertinent opinions, urged the argument of delay, and said, that the Convention Parliament, in the year 1688, sat on the 26th of December, and on the 12th of January they had completed all their objects, &c. finishing the whole in sixteen days.

While Mr. Burke was upon his legs, having alluded in some measure to Mr. Dundas, that Gentleman rose, and a short altercation ensued; Mr. Dundas denied that he had, either by gesture or otherwise, warranted the Right Hon. Gentleman in calling upon him.

Mr. Burke admitted, that the honourable and learned Gentleman had not, and resumed the thread of his argument. He touched upon the object of all the propositions, and with great heat and warmth reprobated the matter, rendered the subject of the proposition immediately before the House. He said, that House had no right to authorize the Lord Chancellor to put the Great Seal to forgery, fraud and violence. That giving them the form of the Royal Authority instead of the substance, was to give them the sweepings of the cobwebs in Westminster-hall, and the smoke of the dish; and the danger that had been talked of, if they were to address the Prince of Wales to take the Regency upon him, reminded him of the giant who used to swallow a dozen windmills for breakfast every morning, and was afterwards choked by a small bit of butter in July. In the present instance, the Commission was said to be in form an act of the Crown, and in substance an act of the two Houses. There never was, he said, a precedent in this country where the two Houses took upon themselves to exercise the legislative authority of the Crown. Necessity, he observed, had been generally termed the tyrant's plea, but, strange to tell, it was now held to be the guardian of our liberties. Mr. Burke argued, that the Committee ought, in the present instance, to act liberally and fairly, and to trust the Prince upon his word, solemnly given in his answer to the Addresses of both Houses, since he ~~they~~ must

must trust him without. That would, he said, give them union that would give them liberty, that would give them peace. Mr. Burke was very warm, very singular, but very able, in his expressions and sentiments.

Mr. Rolle rose as soon as *Mr. Burke* sat down, to rescue the meetings in the West of England from the censure that appeared to him indirectly to have been cast upon them, by the noble Lord in the blue ribband. The meeting in the county of Devon, *Mr. Rolle* said, had resolved to return thanks to his Right Hon. Friend, for having asserted the right of the two Houses of Parliament, to provide for the exercise of the Royal Authority during the incapacity of his Majesty, and brought that question to a decision, in contradiction to the right asserted by a Right Hon. Gentleman not then present, to exist in his Royal Highness the Prince of Wales to assume the exercise of that authority, whilst his Majesty's illness continued.

The question of the right of the two Houses, to provide for supplying the defect in the exercise of the Royal Authority, had not, *Mr. Rolle* said, been, as it was contended, unnecessarily brought forward, or upon light grounds. The assertion of the right of the Prince of Wales, to assume the exercise of the Royal Authority during his father's incapacity, had not, indeed, been made a matter of regular claim, avowed on the part of his Royal Highness; but it had been deliberately urged by a member of that House, who, from his extraordinary eloquence, his great abilities, his weight and authority in the country, owing to the recollection of the high offices he had filled in the state, certainly drew great attention on every thing that fell from him, and enabled whatever he said, (especially respecting his Royal Highness the Prince of Wales, in whose confidence he was supposed to stand high) to make a considerable degree of impression on the minds of all who heard him. *Mr. Rolle* said it gave him, and he doubted not it would give his constituents, great pleasure to hear, that his Royal Highness the Prince of Wales had declared his willingness to accept the Regency on the terms proposed, and to submit to the limitations and restrictions voted by the two Houses. There had occurred one circumstance, however, since the signification of his Royal Highness's answer had been given, that he was sorry for, and which, he feared, would cause a good deal of uneasiness in the country; and that was, a certain secession that had taken place.

[The House expressing some earnestness to know, to what *Mr. Rolle* alluded,] *Mr. Rolle* said, he meant the circumstance of the Prince of Wales, and the other royal Dukes, having desired their names might be omitted in the present Commission.

An Hon. Gentleman, a worthy Alderman of London, *Mr. Rolle* ~~had~~ ^{had} taken upon himself to assert, at a late Court

of Common Council, that he had taken the Address lately voted by the county of Devon ready drawn, from the Treasury down to Devonshire. He knew not whether the honourable Alderman (Mr. Sawbridge) was then in the House; but he took that opportunity of declaring, that so far from the alledged circumstance being founded in fact, he never saw the Address till he went down to Devonshire. That it was there drawn up by a previous Committee, of which his worthy colleague and himself were members; that it was drawn up openly and publicly, when one hundred or a hundred and fifty persons were present; and that as the Quarter Sessions was held at the time, when the general meeting was summoned by the High Sheriff, the attendance of gentlemen, freeholders, clergy, &c. was as numerous as one as perhaps ever was assembled, and the address of thanks to his Right Hon. Friend, for his conduct, was voted by almost the unanimous voices of the meeting, a very few of the persons present signifying any thing like disapprobation. Mr. Rolle said a word or two of his concurrence with the motion.

Lord North rose again, to exculpate himself from having said any thing disrespectful to the Hon. Gentleman's constituents. He had not, his Lordship said, uttered a syllable that tended to convey the least reflection on the people of Glasgow and Edinburgh, and the West of England, for the conduct they had adopted in voting addresses of thanks to the Minister. When the people of Glasgow, of Edinburgh, and of Devonshire, had felt themselves called upon to vote their thanks to the Minister, for having asserted the right of the two Houses of Parliament to provide for the deficiency in the exercise of the Royal Authority; it was natural to suppose that they had imagined that right had been disputed. He therefore was surely warranted in saying, that his Royal Highness's Answer to the Address of the two Houses, would agreeably surprize them, by proving that his Royal Highness paid so much deference to the resolutions and opinions of the two Houses, that he professed himself ready to accept the Regency on any terms, that the two Houses should think proper to grant it.

His Lordship said, thinking that the people had felt the alarm perhaps too much, he conceived that their minds would now be quieted; but he had not an idea, that they could feel any alarm from the secession of the Princes of the Blood, and from their having desired to take no share in a proceeding, which they did not in any part of it approve.

Mr. Rolle said a few words in explanation.

Sir James Johnstone, in a very short speech, said something about popery, and the abjuration of the power and authority of the court of Rome. If he found any thing objectionable in the wording of the Commission then before the Committee, Sir
James

James said it was, that it was not strong enough. It stated, that the Lord Chancellor be *directed* to put the Great Seal to the Commission resolved on. Sir James thought, that the Lord Chancellor ought to be *commanded* to put the Great Seal to such a Commission. The occasion justified the exertion of authority, and the Lord Chancellor dared not refuse the command of the two Houses of Parliament.

Mr. Sheridan said, he meant not to trouble the Committee with more than a few words. He rose merely in consequence of what had fallen from an Hon. Gentleman over the way [*Mr. Rolle*] *Mr. Sheridan* denied, that his Right Hon. Friend, who was not then present, had ever asserted the Prince of Wales's right to assume the exercise of the Royal Authority without the adjudication of the two Houses of Parliament. The Question of Right was therefore unnecessarily agitated, because the doctrine of the Houses having a right to provide for the defect in the exercise of the Royal Authority, had never been denied.

With regard to his Right Hon. Friend standing high in the confidence of the Prince of Wales, the fact undoubtedly was, that his Right Hon. Friend stood higher in the opinion of his Royal Highness than any other person, and the reason was, that his Royal Highness reposed the greatest confidence, where he found the greatest merits. With regard to the secession which the Hon. Gentleman had alluded to, the reason was obvious.

It was extraordinary, that the Minister should have been with the Prince of Wales the day before the Commission had been proposed in the other House of Parliament, and never consulted his Royal Highness, whether it was agreeable to him, or his royal brother, and royal uncles, to have their names respectively inserted in a Commission, issued on principles repugnant to those contained in a protest, which the Duke of York had subscribed and recognized.

As to the base coinage which was intended to be issued in the name of royalty, without its bearing one feature of the royal countenance, *Mr. Sheridan* said, after the able arguments that had been urged, and particularly the speech of his Right Hon. Friend [*Mr. Burke*] to which it was enough barely to allude, he would not pay so ill a compliment, as to trouble the Committee with a syllable in addition to those arguments.

Mr. Powys rose to ask a question, relative to the words under which the Duke of Gloucester in the early part of the reign of Henry the Sixth, and the Duke of York in the subsequent part of the same reign, exercised the power of giving the royal assent or dissent to any bill or bills that were submitted to them for the royal assent?

The Chancellor of the Exchequer said a few words in reply, and admitted, that although the Commission stated in the Reso-
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lution contained words of general power, enabling the Commissioners to do all that our Sovereign Lord the King could do, yet, that it was necessary, there should be a second Commission issued to complete the business. Mr. Pitt adverted to the two Commissions, to which Lord Hardwicke had put the Great Seal in 1754.

Mr. Powys said, the Committee sometime since, had a great number of precedents submitted to them, on which, in the early stage of the business, much reliance had been placed; but they had all been abandoned, and two new precedents not stated in the Report of the Committee, appointed to search the Journals, were resorted to, and chiefly relied on. Mr. Powys said, to those two precedents, viz. those of the two different Commissions, to which Lord Hardwicke had put the Great Seal, he should say nothing, because, in the case of both, there had been a King upon the Throne, incapable from illness, indeed, of meeting his Parliament, but capable of judging and deciding upon every proceeding of Government necessary to be taken.

Mr. Powys enlarged on the distinction between general powers so given by an actual, existing, competent authority, and general powers given by an imaginary, fictitious, and unreal phantom. To open a Parliament, there must, he said, be a person capable of authorising the act; either the King himself, or the King's Representative. In the present case, there would be neither, but an empty shadow set up as the true reflection of the King himself.

The *Solicitor General* (Sir John Scott) promised not to detain the Committee, but, in a few words, to explain why he advised them to order the commission, now moved for, to be issued under the Great Seal; and why it would be right afterwards to put the Great Seal to another commission, in order to give the Royal Assent to the Bill appointing a Regent. Sir John said, he was glad that it had not been said in that House, that such a mode of proceeding was not legal. No man had ventured to make such a declaration; nor could any man have dared to have done it, that knew any thing of the Law and the Constitution of the country. When he had troubled the House, at the time, when the Resolution, that it was their right to determine on the means to provide for the deficiency of the exercise of the Royal Authority, had been under consideration; the Committee would recollect that he had stated, that a Regent could not be appointed but by an Act of Parliament, and, in order to pass that Act, there must necessarily be a commission issued under the Great Seal to open the Parliament, and a subsequent commission to give the Royal Assent to such a Bill as should be passed by the two Houses. That was the legal mode of proceeding; the other, that of addressing the Prince,

to take upon him the Regency, a term unknown in law, was clearly illegal.

If they addressed the Prince to take upon him the Regency, he could not be Regent, but by some such fiction as that now proposed to be resorted to. It was his duty, the Solicitor General said, as a professional man to satisfy the House, that the mode of proceeding recommended to them was legal. It was a point on which they ought to be satisfied.

In the course of the debate on the Resolution then before the House, he observed, that the statutes referred to, as bearing upon the Question, were the 33d of Henry the Eighth, the Act of Charles the Second, and the Act of the 1st of Queen Mary; each of which pointed two ways, but if it was contended that those were *negative* statutes, and they were to regard them in that point of construction; he begged leave to ask how were they to appoint a Regent at all? He denied it to be possible, because the consent of the Crown must be had to the Act, and, it was well known to them all, that his Majesty could not attend in Parliament to signify his consent in person, neither could he put his sign manual to a commission. The only mode of obtaining the King's consent, was by putting the Great Seal to the Commission for passing it, and making it a public act; and, if upon the face of it, it expressed that it passed by the consent of the King, Lords, and Commons, the Judges of the land could not dispute it. The Great Seal once put to it, gave it all the authority of law, and no enquiry could be had as to the mode of its having been passed.

Sir John said, if Letters Patent passed, without the King's warrant having been previously granted to direct such Letters Patent to be made out and sealed, yet having the Great Seal annexed to them, however criminal it might be in the person who should, under such circumstances, take upon himself to put the Great Seal to those Letters Patent, they would be of full force, and bind the King himself; although it might be known, that his Majesty had not granted his warrant for making out such Letters Patent.

Sir John remarked, that they were then discussing no question of politics, no question of party; they were all agreed as to the object; their sole object was to make the Prince of Wales Regent, on the terms of the Resolutions. The only difference of opinion was, which were the most safe, the most legal, and the most constitutional means of attaining their common object. He must contend, that the mode proposed in the Resolution, voted by the House of Lords, and to which they were called upon to agree, was, in his opinion, the only legal mode in their option. If there was any other way, let Gentlemen in fairness, and in candour, mention it. Those who recommended the other mode,

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that of addressing the Prince to take the Regency, perhaps were not aware, that the Prince must, in that case, take upon himself to represent the King in the House of Lords; or, if it were to give his consent to appoint himself Regent, a sort of conduct that could not but draw down questions of his authority, and expose him to future difficulty. Sir John clearly pointed out the different degree of weight and sanction that must necessarily attend the Prince's appointment, when that appointment had the authority of a formal Act of Parliament, passed avowedly with the consent of King, Lords, and Commons, the three natural and constitutional branches of the Legislature. He took notice of the contempt and ridicule with which the mode proposed had been treated, because it was deemed a legal fiction. There were, he said, many wholesome fictions of the law; the best security, even of the private rights of the subject, arose from some of those fictions of the law. The present might be called a *wholesome* fiction, inasmuch as it saved the Constitution from danger, and proved, that so admirably constructed was that Constitution, that it contained in itself a provision for cases of the greatest emergency. But it was said, that the mode proposed went beyond the necessity of the case. He had, on a former debate, taken the liberty of laying it down as a maxim, that the power that necessity creates, necessity limits. He should adhere to that position, and, in adhering to it, contend, that the proposed mode of ordering a Commission under the Great Seal, and afterwards another Commission, to give the King's assent to the Bill, did not exceed the necessity of the case, but that the proposition of addressing the Prince to take upon himself the Regency, did go far beyond it. When the House had said that it was their right and duty to provide for supplying the defect of the Royal Authority, they clearly meant to empower themselves to order the Commission under the Great Seal now proposed, to be issued. He declared, it appeared to him ridiculous, to exclude the Prince from his situation as a Peer in the House of Lords, in order to make him act as a King. He desired not to be understood as abandoning the precedents on their table. He relied on the precedent in the early part of the reign of Henry the Sixth. In that reign, there was as great lawyers as lived in this day, or as would live probably in the time to come; there were also, in that reign, some of that description of persons, who might, properly speaking, be termed *usurpers*, but both descriptions, the latter as well as the former, he well knew, in all things, wished to have the sanction of law for every one of their proceedings. It had been his duty, as it necessarily was the duty of those who were, from their situations, called upon for advice, what were the proper and legal steps to be taken in such an emergency, to inform themselves fully of all the precedents our history afforded. He had not, he was free to acknowledge, with
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all his application to the subject, been able to satisfy himself what had been the actual fact, with regard to the Commissions issued under the Great Seal in the early part of the reign of Henry the Sixth, but of this he was certain, that many of them neither had, nor could have the King's sign manual affixed to them; and yet some of the soundest and most salutary acts on our statute book had passed during that period. He could not but observe, Sir John said, that those persons, who were willing to give away the rights of the King without scruple, and to invest the Prince with all the Royal Authority, in the life-time, and during the reign of his father, seemed to think only of the case of infancy? When he talked of the allegiance he owed to his Sovereign, it had been ridiculed under the idea, that it was idle to boast of allegiance to him, who was incapable of affording protection. To those who pleased themselves with that species of reasoning, he would ask, if the intended Regent was to leave a child, an infant of six months old, how would he like such a doctrine to be then insisted on? The present Commission, he said, expressed that it was made by consent of both Houses of Parliament; therefore, upon the face of it, it stated the case to which he referred. As the bill was merely to constitute a Regent, it was quite a matter of indifference whether it was passed by one person or another, so long as it passed in the name of the King upon the Throne.

Sir John adverting to the precedents in the reign of George the 3^d, when Lord Hardwicke had, in the year 1754, put the Great Seal to two Commissions, one containing general powers granted to certain Commissioners to hold a Parliament; the other to give the Royal Assent to the single bill, that had passed in that Parliament, a bill of Naturalization. He compared these two Commissions with the Commission then under consideration, and that which it would be necessary to issue when the bill should have passed the two Houses, and be ready for the Regal Assent. Lord Hardwicke, he said, appeared to him to have his doubts, whether the general powers conveyed by the first Commission, were sufficient to authorize those Commissioners to give the Royal Assent to the bill that afterwards passed; and he collected, that Lord Hardwicke had entertained such doubts, from the circumstance of his having issued a second Commission. But he observed, that Lord Hardwicke had chosen to reserve those doubts, and not to decide upon them, by the terms in which the two Commissions were drawn, and their effect on each other, care having been taken by the noble Lord, to insert a clause in the second Commission, purporting that the one should not effect the other. Sir John expatiated on these circumstances, and added a variety of other pertinent observations, which we have not opportunity to state; he concluded a very able speech, with declaring that he had endeavoured, as well as he could, to explain to the

Hon. Gentleman (Mr. Powis) the ground on which the motion rested; whether he had done it satisfactorily or not, the Hon. Gentleman could alone decide.

Mr. Wyndham rose next, and with great logical acuteness argued against the motion. As the argument then stood, they knew not on what grounds the authors of those proceedings rested them. On one hand it was said, that they were acting upon necessity, upon another, that they were acting upon law. It was, he conceived, impossible that both positions could be true. The Right Hon. Gentleman, in his opening, had clearly stated, that the necessity of the case obliged them to have recourse to irregularities, and, he had heard the same doctrine, *Mr. Wyndham* said, stated elsewhere, and yet the learned Gentleman who spoke last had declared, that there was no existing necessity, but that the proceeding proposed was strictly legal, and that to address his Royal Highness to take upon him the Regency, was clearly illegal. Amidst these jarring opinions, Gentlemen might surely doubt the necessity asserted on the one hand, and the legality of the proceeding asserted on the other. *Mr. Wyndham* said, that wonder-working machine, the political capacity of the Sovereign, was the grand spring of all the arguments on which the Gentlemen of a certain profession relied. He explained what he conceived to be meant by that expression, in terms stripped of the technical obscurity, in which the expression was involved, and contended that the Royal Prerogatives were attached not merely to the life of the Sovereign, but to the King's political authority. He rejected the idea of the act they were about to take being a legal one, and said, when, from necessity, they were obliged to have recourse to an irresponsible act, he conceived it to be much more safe, that it should stand upon its own ground, distinguished as an irregular proceeding, justified only by necessity. They would then know what it was, and posterity would know on what its merits had rested.

Mr. Wyndham took notice of the learned Gentleman who had spoken early in the debate, and had said, the argument against the motion amounted in fact to an assertion, that they had the power to make the law-maker, but not the law, whereby he was to be made. That was, he said, the very distinction that, in his mind, applied in the present instance. He reasoned upon the distinction, and put the case of a patron having a right to present to a living. The patron could not, he said, fill the living himself, and, if he was correctly informed, a clergyman who had an advowson in his own gift, could not appoint himself to it, but by a special process. After urging this, and a great variety of logical arguments, to prove, that declaring that act was an act of the King, when there was no King, and they all knew there could be none, was a counterfeit and a delusion; and, after throwing a considerable

considerable share of ridicule on the proceeding. Mr. Wyndham concluded with declaring, that he never gave a vote with more heartfelt conviction against a motion, than he should give it against the motion then under consideration.

The *Master of the Rolls* reminded the House, that he had before desired, if Gentlemen had any amendment to propose, that they would state it, and that it might be debated. No such amendment had been proposed; Gentlemen would do well, therefore, to consider the question before the House; it was, whether there should be a Commission issued under the Great Seal to open the Parliament. It was universally admitted, that there ought; the only Question was, who ought to issue that Commission. No person, therefore, had stated any means of providing for the opening of the Parliament, except his Right Hon. Friend, and the Committee, having no other proposition before them, were bound to decide upon that. All the arguments that had been advanced against the present Resolution, went against the Resolution already voted. The Committee, therefore, after having voted these Resolutions which the House had agreed to, and which his Royal Highness the Prince of Wales had also agreed to, would not, surely, now undo all that was done, and, by a side-wind, contradict those Resolutions which, upon full deliberation, and after long debate, they had voted. The Master of the Rolls, with great ability and success, pursued his argument, and clearly proved, that the step proposed was a necessary one, and naturally arose out of the former proceedings of the House upon the subject.

There was here a strong cry of *Question, Question.*

Mr. Dempster nevertheless rose, and, after waiting till order could be restored, observed, that if ever there was a subject, on which Gentlemen ought patiently to listen to the arguments of each other, it was that on which they were debating; because, it was no question of politics, but a question about the mode of appointing his Royal Highness the Prince of Wales Regent; a situation in which they had all agreed to place him, as the most proper person to fill that high office, and only differed as to the best means of making his Royal Highness Regent, with least injury to the Constitution.

Mr. Dempster renewed his argument in favour of resorting to one expedient, instead of pursuing the circuitous mode of proceeding recommended by the Right Hon. the Chancellor of the Exchequer. Although the House might be prevailed on to support the Right Hon. Gentleman's proposition that night, Mr. Dempster said, he trusted the Right Hon. Gentleman, when he came coolly to reflect on the possible ill consequence of establishing such a precedent, would feel the propriety of adverting to the simple mode of addressing the Prince of Wales, and requesting

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his Royal Highness to take upon himself the Regency, with all the powers of the Royal Prerogative.

The *Chancellor of the Exchequer* said, he had listened with great attention to the Hon. Gentleman, as every thing that fell from him in that House, was of great weight, and well worthy their attention, but nothing that he had heard from the Hon. Gentleman in the debate, would induce him to alter his sentiments. That he had not formed his opinion lightly, nor without very mature consideration, and so far from changing his ground, and reverting to the Address to the Prince of Wales, to take on himself the Regency; when they came to report the Resolution, as hinted by the Hon. Gentleman, he should, if the Committee voted the Resolution, move that the Report be brought up that night, in order that they might carry it up to the Lords to-morrow.

The Question was at length put, and the Resolution was agreed to without a division.

The House was then resumed, and the Report ordered to be brought up. It was brought up accordingly, read a first and second time and agreed to. A motion was then made and carried, "*That a conference be required with the Lords on the subject of their former conference, and that Dudley Ryder, Esq; do request the same.*"

The Chancellor next moved the Question of Adjournment, when the Speaker begged, before he put the Question, that the House would favour him with their attention respecting a matter that referred to the situation in which the House had done him the honour to place him. At the beginning of a Parliament, he said, it was usual for every Speaker to be presented to the King, to make his excuses, to receive the Royal approbation, and to claim the rights and privileges of the House, as to freedom of debate, &c. and lastly, to beg the indulgence of the King, as to any thing that the Speaker might have occasion to say on behalf of the House of Commons.

When a new Speaker was chosen in the middle of a Parliament, though he was introduced to make his excuses, and receive the Royal approbation, he did not make the claim of the rights and privileges of the House, but barely begged indulgence for what he might himself have occasion to say. The present circumstances appeared to him not strictly to warrant either of these modes of proceeding, and, therefore, unless he should receive the express commands of the House, what conduct to pursue, he should govern himself entirely by the precedents of the Restoration and the Revolution.

The Chancellor, after a pause of a few seconds, said, it seemed to be the general sense of the House, that the Speaker should go-

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vern himself by those precedents, which he had referred to, that of the Restoration and that of the Revolution.

Mr. Burke rose as soon as the Chancellor of the Exchequer sat down, and observed, that every step they took was attended with fresh difficulty. They had just set up a phantom to represent the Great Seal, and now their Speaker was to bow before it, and to claim their rights and privileges from a creature of their own creation. After abandoning the precedent of the Revolution, in addressing the Prince of Orange to take the Crown, they were going to resort to the precedent of the Revolution in another instance. If it were fit to be adopted in the one case, he wished to know why it had not been thought fit to be followed in the other. They had set up a fiction for the Great Seal, and thus having invaded the Constitution, the next step they took, was to disgrace the House of Commons.

The *Chancellor of the Exchequer* replied to *Mr. Burke*, and reminded him, that the death of the late Speaker, having added to the difficulties under which they laboured, the House had thought proper to act upon the necessity of the case, and chuse a new Speaker, without waiting for the Royal pleasure to be signified on that point. With regard to the Right Hon. Gentleman's question, why it had been fit to adopt the precedent of the Revolution in one case, and to abandon it in the other? The reason was obvious; in the one case, the precedent of the Revolution applied, and in the other, it did not. The Convention Parliament had agreed to address the Prince of Orange to become King. Why? Because, in that case, the Throne was vacant. They could not now address the Prince of Wales to take upon him the Regency, because the law knew no such thing as a Regent, and because the Throne was full, the King still living, and having a right to retain his Crown as long as he existed. The business they had to do, therefore, was to appoint a person to exercise a portion of the Royal Authority during his Majesty's incapacity, and that appointment could only be made by Act of Parliament. *Mr. Pitt* animadverted on *Mr. Burke's* sarcasms as ill-timed and improper.

Colonel North said, he certainly did not wish, that the Speaker should present himself to the Commissioners in the Commission ordered to be issued, because he could not consent that he should humble himself before persons of their own rank and station; but if the Parliament had been to have been opened by a person representing his Majesty, he should have thought differently. The Colonel added some few words more, which called up

The Speaker, who said, he believed he had not made himself clearly understood by the Hon. Gentleman. The Speaker then again explained the three things which it had been customary for a new Speaker to do at the beginning of Parliament, and the two

of them, which it was usual for a Speaker to do, if chosen in the middle of a Parliament.

The *Chancellor of the Exchequer* said, he understood that it was the intention of the Speaker to conform to the precedent of the Revolution. At that time the Convention Parliament had chosen a Speaker, and, when King William was afterwards seated on the Throne, that Speaker was not presented to the King. That was the precedent, which, he conceived, the present Speaker would follow, and that, consequently, he would neither be presented to the Commissioners, nor claim the right and privileges of the House, which had been already claimed of his Majesty, nor ask for indulgence of any thing that he might have occasion to state in Parliament.

Mr. Anstruther having asked what was to be the next step taken?

The *Chancellor of the Exchequer* said, he hoped the two Houses would meet early this day, that they might carry up the Resolution to the conference soon, and having the Commission re-sealed, might open the Parliament forthwith; and, as soon as they had done so, and came back to the House, he should move immediately for the Resolutions that they had voted, to be read, and to move for leave to bring in a bill for appointing a Regent founded on those Resolutions.

The Question of Adjournment was then put, and the House rose immediately.

TUESDAY, FEBRUARY 3.

HOUSE OF LORDS.

EARL Bathurst again sat as Speaker for the Lord Chancellor.

After prayers were over, a message was sent from the Commons, desiring a conference, and which was soon after held, when the Resolutions of the Lords was returned, agreed to by the Commons.

A message was sent down to the Commons by the Gentleman Usher of the Black Rod, desiring their immediate attendance to hear the Commission read. The Lords Commissioners, who sat in their robes to receive the Commons, were the Archbishop of Canterbury, Earl Bathurst (as Speaker in the absence of the Lord Chancellor) the Lord Privy Seal, the Marquis of Carmarthen, Lord Sydney, and the Lord Chamberlain of the Household.

When the Speaker came to the Bar with the Commons, Earl Bathurst stated, that the illness of his Majesty had made it necessary, that a Commission in his name should pass the Great Seal, and which they would hear read.

The Clerk then read the Commission, and having concluded, Earl Bathurst then addressed the House, and the Commons as follows:

“ My Lords and Gentlemen,

“ In pursuance of the authority given to us, by his Majesty’s Commission under the Great Seal, which has been read, amongst other things, to declare the causes of your present meeting; we have only to call your attention to the melancholy circumstances of his Majesty’s illness; in consequence of which, it becomes necessary to provide for the care of his Majesty’s Royal person, and for the administration of Royal Authority, during the continuance of this calamity, in such manner as the exigency of the case seems to require.”

After the Commissioners were unrobed, Earl Bathurst again took the woolpack, when the usual orders, at the opening of the Session were moved, and ordered.

Lord Sydney then moved to adjourn till Monday next; his Lordship observing, that, on Tuesday next, it would be necessary to mention what steps might be proper to be taken relative to the further consideration of the trial of Warren Hastings, Esq.

The House then adjourned till Monday next.

HOUSE OF COMMONS.

AS soon as the Speaker returned from the House of Lords, he informed the House, that he had procured a copy of the Speech delivered by one of the Lords Commissioners on opening the Parliament, which he immediately read.

The standing orders were moved and read, as usual, at the commencement of a Session, and the votes were ordered to be printed.

The *Chancellor of the Exchequer* rose and said, that the causes of the opening of the Parliament having been mentioned, and the measures that were intended to be brought forward, having been entered into, and much discussed, it was not necessary at present, for them to do more than to move for leave to bring in a bill to provide for the care of his Majesty’s Royal Person, and for the administration of the Royal Authority, during his Majesty’s illness.

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The Motion being immediately put, was agreed to, and the Chancellor of the Exchequer, the Master of the Rolls, &c. were ordered to prepare and bring in the same.
After which the House adjourned.

WEDNESDAY, FEBRUARY 4.

HOUSE OF COMMONS.

THE *Chancellor of the Exchequer* informed the House, that the Bill, for leave to bring in which he had moved the House, and received their directions the preceding day, was not quite completed by those who had to draw it, but that he hoped to be able to bring it in the next day, and if then read a first time, to have it read a second time on Friday, in which case they might go into the Committee upon it on Saturday.

Lord Maitland objected to going into the Committee on Saturday, as that stage of the business would probably run into length, and they might not be able to get through the clauses by midnight.

The *Chancellor of the Exchequer* said, there was no necessity for the House sitting in a Committee after twelve o'clock next Saturday evening, as they might, by that time, have got through several of the clauses, report progress, and resume the consideration of the remaining clauses of the Bill in a resumed Committee on Monday.

The House adjourned immediately.

THURSDAY, FEBRUARY 5.

HOUSE OF COMMONS.

REGENCY BILL.

YESTERDAY the *Chancellor of the Exchequer* brought in the Bill "To provide for the care of his Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of his Majesty's illness."

H h 3

Mr.

Mr. Powys rose, as soon as the Bill was presented, and desired to know, before that or any other Bill was read a first time, whether the Commission, under the authority of which they sat as a Parliament, had expired or not; that was, whether the Commissioners were *functi officio*, or still possessed their powers, and whether another Commission would not be necessary to give the Royal Assent to any Bill the two Houses might pass.

The *Attorney General* said, he was clearly of opinion, that the Commission, under the Authority of which the Parliament was opened, was still in full force. That Commission contained words giving powers so broad, that it was apprehended by some persons, that they would authorize the giving the Royal Assent to any Bill that might pass; but other persons, who grounded their opinions on the conduct of Lord Hardwicke in 1754, thought differently. In 1754 Lord Hardwicke had put the Great Seal to a Commission for opening the Parliament, and to a subsequent Commission, when it was necessary to give the Royal Assent to a Naturalization Bill, the only Bill that passed in that Parliament, the Royal Assent to which was given under the joint authority of both Commissions.

Mr. Powys said, he was perfectly satisfied, but he thought it necessary to ask the question.

The *Attorney General* begged to have it understood, that he had merely delivered the sentiments of an individual, and he wished other Gentlemen to give their opinions likewise.

Mr. Sheridan observed, that it was usual for all Commissions of the kind to contain words, giving a power to the Commissioners to adjourn and prorogue Parliament. Those words were expressly left out of the present Commission, which he thought extraordinary.

The *Attorney General* said, if the Hon. Gentleman would consult the Rolls of Parliament, he would find, that, at different times, different Commissions had been issued for opening Parliament. At one time, such Commissions gave powers for giving the Royal Assent to Bills, at others, they gave powers to prorogue and adjourn, and at others, the powers given were merely those of opening Parliament, and continuing it open. On the present occasion, it was only thought necessary to give powers to open the Parliament, and continue it open.

Mr. Sheridan said a few words relative to the two Commissions issued by Lord Hardwicke in the year 1754.

Mr. Anstruther agreed with his learned Friend, that the Commission was a good one, if not liable to any other objection, whether it contained powers general, or powers limited, or specific. *Mr. Anstruther* reminded the House, that the argument had generally run in the course of the debates, that a Commission was to issue, authorizing Commissioners to give the Royal Assent only.

only to the Regency Bill. If no new Commission issued, he conceived, under the general words of the Commission last issued, that the Commissioners were left to exercise their discretion, and give either the Royal *Assent* or *Dissent* to the Bill.

The Question was then put, "that the Bill be now read a first time." It was read accordingly, and the Breviate of its contents being handed to the Chair, the Speaker proceeded to read it. The Breviate stated, that the Bill authorized his Royal Highness the Prince of Wales to exercise all the Royal Prerogatives, and to transact every act of Government during his Majesty's illness, in the name and on the behalf of his Majesty, in the same manner as his Majesty could have exercised the same, subject only to such limitations and restrictions as were therein-after provided. It then stated the several limitations and restrictions specifically; and that it contained clauses, investing the care of the King's person with her Majesty, and adding a Council of Advice for the aid and assistance of her Majesty. It stated, that the said Council was to be invested with peculiar powers. It stated also, that there were clauses in the Bill, providing for the resumption of the Royal Authority in the person of his Majesty, in case of his recovery; signifying, that by advice of the Queen's Council, and upon his Majesty's issuing his Royal Proclamation, he should be empowered to resume the same; and it contained various other clauses.

Mr. Burke said, the Bill appeared to contain so many clauses, and some of them of the most serious importance, that he hoped, anxious as they all were for every possible dispatch of the business, and the restoration of the government, due time would be allowed for the fair and deliberate discussion of the various clauses. The Bill was, he said, a Bill to make many kings, which, of itself, was a matter that deserved very nice attention; but the clause authorizing his Majesty to resume the exercise of the Royal Authority, on the suggestion of the Queen's Council, proceeded on an idea so unfair, so wild and absurd, and was, at the same time, so new to the House, having never been once hinted at in debate, that it demanded a most jealous consideration. Mr. Burke added a few sentences in confirmation of the truth and justice of this remark.

The *Chancellor of the Exchequer* expressed a wish, that Gentlemen would not go into any debate upon the Bill, before they had an opportunity of reading and understanding it. The Bill would, he had learnt, be printed by the next day, in time for its delivery before the House met. When Gentlemen had the Bill, therefore, to peruse, they would be better able to discuss its contents, than they could be from merely hearing the Breviate of the Bill read, which, containing only a general summary of its several clauses, could not give them so clear an idea of the object

and provision of its clauses, as they would receive from examining its detail. If the fact were, as the Right Hon. Gentleman had stated, that the provision for his Majesty's resumption of his Royal Authority was unfair, wild, and absurd, as the Right Hon. Gentleman had thought proper to pronounce it, before he had read the clause; the whole extent of the proceeding upon that conviction would be for the House to decide, whether they would be ready to go into the Committee upon the Bill on Saturday. He owned, he hoped that the Bill would be read a second time the next day, and that the House would be ready to go into a Committee upon it on Saturday.

Mr. Burke said a few words in support of his former argument, on the novelty of the proposition contained in the clause, empowering his Majesty to resume his Royal Authority.

Mr. Sheridan also urged the same topic, observing, that the Bill was ordered to be brought in on the Resolutions, that it had been voted; if, therefore, it contained any new matter, not grounded on any thing contained in those Resolutions, the order of the House had been departed from, and the Bill ought not to be suffered to proceed.

The *Chancellor of the Exchequer* again begged, that Gentlemen would avoid entering into any sort of conversation whatever on the subject, till, from reading the Bill, they had been enabled to make themselves masters of its detail. If any one of its clauses, in the consideration of the House, should be deemed improper, the House would have it in its power to dispose of it; or if any of its clauses required amendment, they would have a fit opportunity of amending the same. This he was certain of, that however it might strike Gentlemen, that the clause was a new one, which provided for his Majesty's resumption of his Royal Authority, when it should please God to restore him to his former health, the principle of that clause was by no means novel. No Gentleman in that House could object to the idea, that proper provisions should be made to enable his Majesty to resume his authority, when he should recover. It had been a principle much debated, and on which there had been no difference of opinion, nor was it possible that any difference of opinion should subsist on such a subject. If, therefore, the clause should, after examination, be found inadequate to its object, the House would be able to correct its defects, whatever they might appear to be.

Mr. Grey said, he did not mean to debate the Bill before he had read it, and understood its detail, but sure he was, that there was not a greater, nor a more ardent desire on one side of the House than on another, to provide effectually, that his Majesty might be enabled to resume his Royal authority, as soon as he should recover. Certainly, every man must agree, that every
necessary

necessary provision ought to be taken for that purpose, but he could not but observe, that allowing his Majesty to resume the exercise of the Royal Authority upon the advice of the Queen's Council, and by virtue of the Royal Proclamation only, without the interposition and cognizance of Parliament, did upon the face of it, appear to be a most novel and extraordinary provision.

The *Chancellor of the Exchequer* said, it was by no means the purport of the clause in question, to enable his Majesty to resume the exercise of the Royal Authority, by virtue of issuing his single Proclamation, as Gentlemen appeared to imagine. To remove the impression that must necessarily prevail, if so strange an idea were suffered to go abroad, he must shortly, and in the abstract, state the nature of the provision contained in the clause alluded to. The clause provided, that upon its appearing to the Queen, and to the majority of her Council, that his Majesty was fully restored to his health, and upon his Majesty's requiring a Privy Council to be summoned, and signifying such requisition, under his sign manual, to the Lord President of the Council, or Secretary of State for the time being, a Privy Council, consisting, as well of those who had been Members, as those who were Members, usually summoned, should be convened, at which his Majesty and the Queen should be present, when his Majesty's Physicians should be examined, and upon its appearing to the majority of the Privy Council so summoned, that his Majesty was recovered, his Majesty should be authorized to resume the exercise of his Royal Authority, upon the issuing of his Royal Proclamation for that purpose, signed not only by his sign manual, but countersigned by the majority of the said Privy Council, and that Parliament should immediately be called together to recognize and ratify the proceeding.

This explanation appeared to give general satisfaction to the House, and the Bill was ordered to be read a second time this day, and to be printed.

The House then adjourned until to-morrow.

HOUSE OF COMMONS.

FRIDAY, FEBRUARY 6.

REGENCY BILL, AND BILL PROVIDING FOR THE CARE OF
THE KING'S PERSON AND HOUSEHOLD.

THE *Chancellor of the Exchequer* moved the order of the day for the second reading of the Bill, *To provide for the care of his Majesty's*

Majesty's Royal Person, and for the Administration of the Royal Authority during the continuance of his Majesty's illness.

On the Speaker's putting the Question, "That the Bill be now read a second time,"

Mr. Burke rose, and declared himself astonished, that the Bill should be proposed to be read a second time, without the House having heard a syllable as to what the principles of the Bill, as opened and acted upon by the clauses and provisions of the Bill, were.

He had, he said, often known the principles upon which a Bill had been ordered to be brought in, either totally lost sight of in the Bill itself, or so violently strained and departed from in the various clauses, that scarcely a single principle, upon which the House had resolved to legislate, appeared in the Bill, or were to be found entire. It behoved the House, therefore, at all times, to watch great and important Bills narrowly, and to see that they were not deceived and deluded; and that while they meant, and had resolved to pass a Bill for one purpose, they were not induced to pass a Bill, containing provisions, to answer a very different purpose.

There might possibly, he said, exist some doubts, as to the constitutional and legal competency of the character in which they were then proceeding to act as a branch of a perfect legislature; in argument and in debate he and others had much questioned the validity of the Commission, under the authority of which Parliament had been opened; but admitting for the present, that there had been exercised a competent power to make the Houses a Parliament, and enable them to do the act upon which they were proceeding, they ought to see what the Bill was, before they went on with it, and therefore, though he meant not to debate the subject at large, he should take the liberty of calling the attention of the House, before they read the Bill a second time, to the extent of its provisions, and the extraordinary manner in which the Resolutions, that the two Houses had come to, were now attempted to be made use of and carried into effect. Never, surely, said he, was there a time when the people of England and that House were so called on to see what they were doing, and to examine, with every possible degree of prudence and foresight, the serious and important consequences what they were doing might lead to.

His Majesty's incapacity to exercise the Royal Authority had been established, to the conviction of the two Houses, in a manner, that left all possibility of doubt out of the question; indeed, if the examinations of his Majesty's Physicians had not taken place, the fact would be too clear to have admitted a dispute, from a great variety of consequences not necessary to be detailed, because they were consequences which they not only all saw, but felt.

felt. The duration of his Majesty's malady, the turns it might take, the disguises it might assume, lay hidden in the secret recesses of the dispositions of Providence. His Majesty was insane, but his malady was not like that of some other persons, who were under confinement in houses and places destined for such purposes, intermittent, various, subject to degrees, lucid intervals, and occasional visitations of reason, but his faculties were totally eclipsed; not a partial eclipse, wanting some digits of completion, but a total and entire eclipse; they were therefore to supply the defect in the exercise of the Royal Authority.

The present bill was indefinite in its duration, because that bold promiser, Dr. Willis himself, could not fix a probable time for the chance of his Majesty's being capable of recovering, sufficiently well to be fit and able to resume the exercise of his royal functions; and as Dr. Willis in the sanguine temper, ungoverned zeal, and impetuous rashness of his mind, could not take upon him to decide what would be the duration of his Majesty's illness, it was not likely that physicians of more moderate minds, of cooler judgments, and of more sober reason, should take upon them to decide the duration of the malady that had struck at the sovereignty of the empire, and wounded every thing that was sovereign, either in the political or natural capacity of the King upon the throne. Not any thing like a moderate time, therefore, had been promised for the duration of his Majesty's illness; the malady of the Monarch, consequently, was fixed to no known definite time, and at that moment a bill was brought in totally to separate and parcel out the Royal Authority, so as to leave only the chance of a Government necessarily so weak and impotent, as to be scarce able to stand at all. The King was bereft of the sure refuge of Parliament, of his own brothers, of his own sons! Of his sanity, should God restore it, where was the confirmation? With a junto—an obscure and contemptible council! manifestly *not wishing to produce a sound King*; but to usurp the Government without one—where a proclamation was to supersede the two Houses?—a proclamation from authority existing no more—for the King governs not—but is governed!

All limited power, Mr. Burke said, was from its nature feeble, and the circumstance of its being only temporary and uncertain, rendered it still more deficient in vigour and in efficacy. The first object of the bill was, he observed, to nominate a person to hold this weak and almost useless Government. The next purpose it avowed its aim to effect, was the raising a power in opposition to that Royal Authority. Those who gave such powers were clearly to be the masters of them, and there could no doubt remain but that the bill was drawn with a design to answer

swer the rash end of the mad and daring ambition of a Right Hon. Gentleman, whose conduct had but too plainly manifested his views and his intentions. Thus there was a partition of power, in which the Prince was destined to have no other than an *official* character, while all the palaces, offices, and dignities, were given to another. This partition was more odious and offensive than the famous partition treaty, relative to the succession, on the death of the last Prince of the House of Austria. It was a partition founded on a most wicked and malicious principle; every thing that was degrading and restrictive, every thing that stamped a suspicion on the character of the Prince, and conveyed a gross affront to his Royal Highness, by holding him out as a person not to be trusted, as a person whom the public ought to suspect, and were likely to be deceived by, was done, by what was withheld in the bill; while, on the other hand, all that was graceful, all that was honourable, all that was calculated to hold up a character as great, virtuous, and meritorious, was given where an opposition was set up to oppose and counteract the executive Government.

The bill affected to give the Royal Authority, and tended to answer the purposes of a faction against that authority. Its real object was to defeat the preferable claim of the Prince of Wales to the Regency, in the very moment that the claim had been in practice and in effect, found to be irresistible, and to set up what had been termed the equal right of a subject as paramount to the Prince's right. Mr. Burke, with great warmth, declaimed upon the purport of the bill, in the view in which he chose to consider it, and among a variety of other invectives against it, said, the doctrine of divine right, which had been exploded in the House of the *Stuarts*, was now revived in favour of another House. In the idiot abominations of the Stuart race, *divine right* was the assumption of the Prince alone!—it was now more monstrously to be usurped by the Minister!

The present Minister, he understood, had been called an *heaven-born* Minister in another place; they might fairly suppose, therefore, that he had a divine right to take to himself a larger portion of power and of patronage than he chose to leave to the Prince on the throne; and when he said the Prince on the throne, he begged to be understood as alluding to the Prince of Wales, sitting on the throne in his delegated character, on the behalf, in the name, and as the representative of his father. But if the Minister was already declared, by one of his fanatics, to be an *heaven-born* Minister, he did not wonder at his considering himself as acting under the influence of a divine right, and that he should go any lengths to secure the power that he aimed at.

By the present bill, all the powers of distributing honours, and every charity, were denied the Regent. There were, Mr.

Burke

Burke observed, a variety of lesser instances of bounty annexed to the Crown, that the Regent was most invidiously restrained from. There were employed by the household, painters, architects, poets, historiographers, and many other artists and artificers of different degrees, ranks, orders, and descriptions, to reward whom, the Prince was deprived of every possible opportunity. He was crippled of his best powers! He could not patronize art; he could not befriend nature; he could not rescue merit from obscurity, nor virtue from distress.—He could not

Mend Fortune's fault, nor justify her grace—

The *privy-purse* was taken from him! Not to economise for the nation! Not to pay the arrears of the civil list—but for the disposal of the Queen! He was left without a table, without any provision that resembled the shadow of royalty, further than what he had enjoyed as Prince of Wales, from his Majesty's personal bounty. Mr. Burke enlarged upon this topic considerably, and with his customary ardour of expression.

The personal allowance of the King has been 36, 48, and 60,000*l.* a year. It was now the Queen's.—For what?—Might it not be for *corruption*? The personal property of the King was taken from his own relations (as if it were a stigma to have sprung from the loins of George the Second) and lavished into the hands of strangers.

Though, he trusted, he honoured her Majesty as much as any other subject, he did not think she ought to have that patronage. She might be nominated to hold it, but he was confident the exercise of it would devolve into other hands. The bill was calculated, he said, to eclipse the royal dignity, and to reduce the Regent to an *official* character, which was a scandal to the nation, and the more so, as coming from those who were thought men of honour, and therefore he should consider it as a wicked, base, and unjust action, not more degrading to the Prince of Wales, than disgraceful to the perpetrators.

By the bill, responsibility was given to the Prince of Wales, who was saddled by having all the onerous duties of Government imposed on him, without having any grateful powers to counterbalance the burthen, while the dignity, splendor, and real distribution of emoluments, were given to the Minister. The bill meant not only to degrade the Prince of Wales, but the whole House of Brunswick, who were to be *outlawed, excommunicated, and attainted*, as having forfeited all claim to the confidence of the country! [*Some Gentlemen smiling at the extent of this doctrine, and the vehemence of emphasis with which it was delivered*] Mr. Burke burst out into a degree of warmth that we scarcely ever before witnessed, reprobated the conduct of the other

other side of the House, charging them with degrading the royal family, sowing the seeds of future distractions and disunion in that family, and with proceeding to act TREASONS, for which the justice of their country would one day overtake them, and bring them to trial — He was interrupted by a loud and general cry from the other side of the House, of *Order! Order!*

Mr. Burke proceeded—On the warmth of his expressions, he said, it was no mental calenture, no constitutional heat, it was the ardour of patriotism, glowing towards its proper objects! and added,

On such a theme, 'twas impious to be cool.

Hope at any rate was his, he would hope that petty as the spark might be in his poor breast, that all around him might spread the genuine flame! that the whole kingdom might kindle as loyalty should make them, speedy as his wishes—lasting as his truth.

Mr. Gammon and the Chancellor of the Exchequer were both, at the same time, on their legs, but the latter obtained the hearing.

The Chancellor of the Exchequer said, he rose to speak to order. When the Right Hon. Gentleman chose to indulge himself with a direct attack upon him in the stile of invective, in which he was accustomed to deliver himself in that House, he seldom thought it worth his while to interrupt the Right Hon. Gentleman, and call him to order, or indeed to make him any answer, because his speeches from their extraordinary style, and the peculiarly violent tone of warmth and of passion, with which they were generally delivered, seldom failed to give that impression, which those to whom they were directed wished them to give; but, when the acts of the House were called in question, and a bill avowedly founded on principles which the House had sanctioned by voting them, after much discussion and debate, in the form of distinct Resolutions, were said to amount to the *out-lawing, excommunicating, and attainting* the whole House of Brunswick; and the House was told distinctly and unequivocally, that they were proceeding to act TREASONS, for which, at a future day, it would be overtaken by the justice of the country, and brought to trial, he did hope, that the House would interpose its authority, and when such a violent breach, not only of order, but of common decency, was committed, that it would oblige gentlemen to restrain their violence, and not under the pretence of passion, suffer themselves to be betrayed into such irregular, disorderly, and unseemly conduct.

Mr.

Mr. Gammon rose likewise, declaredly to speak to order, but proceeding to mention that the Right Hon. Gentleman had taken the liberty of alluding to an expression made in another House of Parliament by a noble Duke, to whom he had the honour to be related; he was interrupted by Mr. Speaker, who informed the Hon. Gentleman, that if he rose to object to any particular part of the Right Hon. Gentleman's speech, he should have interrupted him, and made his objection, when the expression, that he meant to call in question, had fallen from him.

Mr. Burke rose again, and said, whenever he used any words that were disorderly, he presumed those who thought proper to call him to order, would state what the disorderly words were, as well to convince the House that he had been disorderly, as to enable him to explain his meaning in a regular manner. With regard to the charge of passion, which the Right Hon. Gentleman had imputed to him, he confessed that he had expressed himself with warmth, originating from a deep consideration of the great importance of the subject, and not from any censurable imbecility of temper. So far from it, it would have been censurable in him, or any man, possessed of common feeling, to have restrained from that indication of warmth and passion, that he had betrayed, when talking of a bill, from the provisions of which, the whole House of Brunswick were expressly excluded. When he saw that under a pretence of providing for Government, there was a provision made for tumult, disorder, and debility in that Government, he felt as a man, conscious of the fatal effects of such consequences, must feel, and spoke warmly and passionately upon the subject; but that warmth, and that passion, arose from a due sense of the dreadful tendency of such a provision; and when ought he to speak of it, but when they were in the action, and in the practice of that very game of ambition, of which he had complained, and to which he imputed all the serious and fatal consequences that he had stated? In considering the manner in which that game of ambition was proposed to be played, and the measures that were resorted to, in order to render it successful, and to secure that success, was he not to look to the views, intentions, and designs of those, whose object it was to win the game? Especially when those measures were, to the last degree, dear to the Constitution, and obviously tended to aggrandize certain individuals, to the destruction of the government of the country? If by the sort of speeches he usually made, the style of his argument, and the warmth of his delivery, he served the purposes of the Right Hon. Gentleman, Mr. Burke said, the Right Hon. Gentleman ought to be much obliged to him. Sure he was, that he did not mean that what he said should further the Right Hon. Gentleman's objects, and certain he likewise was, that the purposes of ambitious men were best served

served by concealing all enquiry into their secret motives and intentions, and resorting to general encomiums on their conduct.

He should contend, that in examining a bill that tended to cause a total revolution of the splendor of this country, to separate it from the executive government, and to give it to other and unknown persons, he had a right to look to the private views, and secret motives of those who brought in such a bill. If he found the whole object of such a bill, under pretence of a compliment to the King, was calculated to degrade the royal family, and merely to serve the purposes of ambitious men, he had an undoubted right to examine into, and question the purity of the motives, designs, and intentions of its authors. Upon what principle, therefore, of propriety or reason, or common sense, had gentlemen deemed an argument founded in such a purpose, as he had explained, a fit subject for laughter? Such laughter, and so applied, was worse than madness itself, and more horrible than the senseless ravings of the unfortunate wretches who were chained to their cells. Mr. Burke urged this argument very strenuously, and with great force of expression, declaring, that he had not rashly nor weakly suffered his reasoning on such a subject to hurry him into warmth, but contended that nothing he had said, was deserving of laughter or of ridicule.

When the House had got into a Committee, Mr. Burke said, he should, he hoped, shew that he was able to speak with temper, and prove to the conviction of prejudice itself, that the arguments he had, before he was interrupted, only loosely and generally thrown out, were founded in truth and seriousness, and well worthy the solemn attention of every man in the country. At present, he would only shew the effects of the bill collaterally. Mr. Burke then proceeded to touch on some of the provisions in the bill, which were, he said, so far new to the House, that they had neither been expressed in any of the Resolutions, nor opened or stated in debate. One of the first points of this sort, that he alluded to, was the privy purse of his Majesty, which from 36,000*l.* a year had been encreased, first to 48,000*l.* and had, at length, swelled up to 60,000*l.* a year. That, of which they had hitherto heard nothing, was, by the bill, to be withheld from the Prince of Wales, who was to have no privy purse, so that, by the bill, they would separate from him the table, honour and hospitality belonging to royalty, and were going, for what they knew, to create a fund for bribing members of Parliament, by entrusting the Queen with the care and application of such an enormous sum of money. They gave such a large sum not for what the King would have done, were he well and in health, but for her Majesty's *guessing*, what the King would have wished to have done, were he well, while the Prince of Wales, as Re-

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gent, was neither suffered to act liberally for himself, nor to think what his royal father would have had done.

They had, Mr. Burke said, heard of the Queen's girdle, the Queen's shoes, the Queen's mantle, and other parts of her personal attire, as heads of expence under the civil list, but they had never before heard of the Queen's having an enormous sum allowed her for *guessing* what the King would have done, had he not been insane. Mr. Burke considered this part of the bill's probable operation in a variety of views. The Queen might, he said, be regarded as the King's trustee for accumulation, or his trustee for distributing it to nobody knew who. The sum might be given away in pensions to support the faction, and in bribes to the members of that House. The privy purse in his Majesty's hands had been responsibly placed; according to the bill, it was to be entrusted where there was no responsibility whatever; and, if the bill should pass that House, it would manifest that they were resolved not to abate a shilling of the money, about the very disposition of which they did not know, nor express any desire to know a syllable.

After dwelling on this object of the bill, for some time, Mr. Burke adverted to that part of it, which comprehended the provisions for the care of the King's person, from which the Prince of Wales, he observed, was expressly excluded. Perhaps, he said, that exclusion was proper, but why was the Duke of York, and the Dukes of Gloucester, of Cumberland, and the rest of the Royal Family excluded? Was he to be laughed at for saying, that such a general exclusion upon the face of it, appeared as if the whole House of Brunswick were outlawed, excommunicated, and attainted of high treason? Had the rest of the family no interest in the preservation of the King's person? Had they expressed that they had no wish for his recovery? His Majesty's person, and his Majesty's money, what security was there for either? The language of the bill clearly was, "Oh! keep the Prince from both, and let them lie at the mercy and the will of the kites and the crows of the air!"

There seemed to be no other disqualification for coming near the royal person, and having any share in the care and guardianship of the personal property of the King, but the having sprung from his royal loins. His Majesty's money and jewels seemed to be made the consideration of three objects, first to consider what they were, next where they were, and lastly, in whose hands they were to be intrusted, and in the latter consideration, the Duke of York, the King's affectionate and dutiful son, his loving brothers, the Dukes of Gloucester and Cumberland, and his other sons, Prince William Henry, and Prince Frederick, were expressly excluded, and deemed unworthy of

any share of that trust in which they had undoubtedly the first interest and the deepest concern.

How did they know, but so large a sum as the amount of the King's privy purse, (which his Majesty, had he been sane, might have consented to reduce to its former amount, in alleviation of his over-burthened civil list, and to prevent its being again brought to Parliament for an additional increase) was intended to be given to jobbers and monied men, to bribe them to adhere to the faction set up in opposition, and as a place of arms against the executive Government? Was he then to be laughed at, for saying, that, by the Bill, the House of Brunswick were excluded, proscribed, and attainted?

The next part of the Bill that struck him as most extraordinary, and highly objectionable, was that clause, which gave the Queen's Council the power to pronounce his Majesty recovered, and restore his Majesty to his government. An exclamation of *hear! hear!* coming from the other side of the House, Mr. Burke said, Gentlemen acted wisely in endeavouring to prevent what would follow from being heard, but he would repeat the expression. The powers given to the Queen's Council to pronounce his Majesty recovered, and restore him to the exercise of his Royal Authority, were most extraordinary. The clause did not even specify of what number of the Queen's Council, those gifted with so extraordinary a power, were to consist. That was to be provided for by the filling up of a blank.

He rested much remark on this circumstance, and said, that Parliament had been deemed competent to dethrone a Sovereign; but when they came to the return of a King, to the exercise of his Royal functions, the whole power was given to a Council, to consist of nobody knew who. Mr. Burke declared, he would, for the present, touch but on some few of the heads of that monster, and that as shortly as possible. They had declared the King incapable of exercising his Royal Authority, after a full and solemn examination of his Majesty's Physicians, but whether he was to be deemed capable of resuming the exercise of the Royal Authority or not, was not to depend on any examination had by them. Before his Majesty had been declared incapable by Parliament, and before they had acted on that declaration of incapacity, his Majesty's Physicians had undergone four separate, solemn, and scrupulous examinations; one before the Privy Council, two before that House, and one upon oath before the other House. Thus Parliament had exercised all its own powers of investigation, and superadded those of another of great authority. Why was there not, to be at least as scrupulous an examination of his Majesty's health, when a motion of so much public importance as his resuming his authority was to be decided? Out of personal delicacy and respect, the House had proceeded carefully to examine

mine into, and ascertain the fact of his Majesty's incapacity, before they grounded any proceeding upon it, and, was it less important, less necessary, when the question was, whether the country was to be governed by a person in his senses or not, that the fact should be at least as correctly ascertained with respect to his Majesty's recovery? As the bill stood, until her Majesty should think fit to assert that the King was well, the people were not to know it. If the Council were ministerial, and if his Majesty were well enough to sit in a chair at the head of that Council, the bill provided that he should be declared capable. Mr. Burke expatiated on this at some length; he said, it was putting the whole power of changing the Government into the hands of Dr. Willis and his keepers; a person who had been insane might, he contended, be so subdued by coercion and severity, as to be capable of being prevailed on to act the farce appointed him, of appearing, for a short period, to have recovered his intellects. He maintained the difficulty of getting a man to swear, that a person who had lost his understanding, was restored and in his senses, compared with the ease of getting a man, from the conduct and conversation of another, to swear that he was out of his senses. He urged the utter impossibility of bringing it to proof, whether a person, who had been insane, was perfectly recovered or not.

What was likely to be the natural conduct of a person so happily restored? Undoubtedly, his first object would be, to revive those domestic feelings, dearest to the human heart! Were the King to recover, and had it in his power, would he not, on the restoration of his intellects, first call his dearest son the Prince of Wales into his presence? Would he not next ask for his next son the Duke of York, and the rest of the Royal Progeny? Did the bill provide for this? No. The whole was to be done in a blind manner, in the dark, and in a way most liable to suspicion, and to question. The whole was a scheme, under the pretence of pronouncing his Majesty recovered, to bring back an insane King. Those who conceived, that the proof of a man's having recovered his understanding, was to depend on affidavits and entries, forgot that a sound King naturally courted public inspection, and was desirous of being examined, and his recovery established, to the conviction of his subjects. Mr. Burke reiterated his objections to the bill, and laid great stress on that of the House of Brunswick, being excluded from any share of the guardianship of the King's person.

He declared, he did not suspect the Queen of being capable of acting improperly; but as a public man, it was his duty to suspect situations and temptations, that might pervert the purest mind, and draw it aside from the straight path of rectitude, and thus render her Majesty the tool of ambitious men. He reprobated the bill on account of its malevolent aspect, in excluding the House of Brunswick, and for its malicious attempt to guard against evils, from a

quarter, whence none were expected to come, and laying a quarter open, whence they were most to be dreaded. The House, he said, had proceeded step after step, and been led on to do that, which, if proposed altogether, would, he was persuaded, have been rejected by every man of honour. Like Macbeth, who, after having murdered Duncan and Banquo, exclaimed,

*I am in blood
Stept in so far, that, should I wade no more,
Returning were as tedious as go o'er,*

they found themselves inclined to proceed, from not daring to trace back their steps. Mr. Burke said, he had thought it necessary to throw out this preliminary series of loose remarks, not doubting, but if they were coolly and seriously attended to, they would call forth those of men of greater abilities than himself, and, like the man who first raised a spark, he should see that spark kindle into a flame hereafter. He added some further general remarks on the bill, and declared, that he had done what he intended, namely, laid open *briefly* the provisions of the bill, that he should be authorized hereafter, to compare those provisions with the declared principles on which the bill had been ordered to be brought in, and to compare those principles back again with the provisions, and he did not doubt, but sooner or later, Gentlemen would feel in their own breasts as he felt.

Before he sat down, Mr. Burke took notice of a charge that he said, had been brought against him, of having attacked a noble Duke, for declaring in the other House, that the Minister was an heaven-born Minister. He had heard through the public, that such an expression had been made use of in the other House of Parliament, but he had not been present at the time.

A Minister, who was heaven-born, certainly might plead a divine right, and to a divine right, he said, he always should bow; they had, before this, heard of heaven-born Monarchs, and an heaven-born Minister, he was persuaded, was soon likely to become an heaven-born Monarch.

Mr. Gammon rose as soon as Mr. Burke had concluded, and entered upon a defence of the noble Duke, to whom he had before alluded. Mr. Gammon said, his noble relation [the Duke of Chandos] in the course of debate had adverted to an expression of a noble Earl, the father of the Right Hon. Gentleman below him, who, once speaking of Lord Clive, had termed him an heaven-born General, and had said, that when the flourishing state, to which the Right Hon. Gentleman had restored the revenue, resources and commerce of the country, were considered, he thought, the term of an heaven-born Minister was

as fairly applicable to him, as that of an heaven-born General had been to Lord Clive. Mr. Gammon said, he had ever considered it to be disorderly and irregular, to found any argument in that House, upon what had passed in debate in the other House of Parliament; but, as the Right Hon. Gentleman seemed to intimate his intention to resume his reference to the expression of his noble relation in the Committee, he begged leave to enter his claim to make a reply, whenever the subject should be resumed. Mr. Gammon said, he had not yet had an opportunity of reading the bill, and, therefore, would not be led into its discussion.

Mr. Burke said, the Hon. Gentleman had mistaken him. He had intimated no intention again to animadvert on the noble Duke's expression, but had merely attempted to state the inference and deduction, that he thought might fairly be drawn from that expression.

The Question was then put, and the bill read a second time. The bill was next ordered to be referred to a Committee of the whole House the next day.

Mr. Burke said, as the first clauses, though liable to some objections, were not liable to as weighty objections as the latter clauses, which contained new matter, he thought it would be most adviseable to proceed no farther in the Committee this day, than through the early clauses.

The *Chancellor of the Exchequer* said, it would be impossible to decide before-hand upon what extent they should proceed to. When they were in the Committee, they would be able to decide by the length of the discussion, that they would find themselves engaged in.

Mr. Burke submitted to the force of this observation, and the House immediately adjourned to this day, it being Six o'clock.

SATURDAY, FEBRUARY 7.

HOUSE OF COMMONS.

DEVONSHIRE ADDRESS.

Mr. Alderman Sawbridge reminded the House of what he had declared on a former occasion—that the Devonshire Address, though coming ostensibly from the meeting in that county, was actually fabricated in Downing-street! This assertion having been contradicted in his absence, he now arose for the purpose of re-asserting

asserting—that he had received his intelligence from such authority as could not be disputed.

Mr. Rolle denied this charge. He said, that the paper was written in a Committee of the Gentlemen of the county. He declared, that he could not face his constituents, if he went down as the emissary of any Minister, and added, that he was ready to meet the Hon. Gentleman who spoke last on any ground!

This contest, beginning to wear a serious aspect, was properly interrupted by the Chancellor of the Exchequer, who moved for the order of the day.

R E G E N C Y.

The Question being put and carried, that the bill for appointing a Regent should be committed, the Speaker left the Chair, and *Mr. Alderman Watson* took his seat as Chairman of the Committee. A debate of a very desultory nature then took place on the different clauses as they were read.

Mr. Burke first proposed to omit the words "Limitations and Exceptions;" the word "Regulations," which followed, being, in his opinion, sufficiently descriptive of the following clauses.

Mr. Pitt opposed this amendment, which, after a short conversation, was withdrawn.

Sir Charles Gould next moved, that the clause containing the Prince's oath should be postponed, until they had previously considered what were the precise restrictions to be proposed. The provisions of the bill, he observed, should certainly be defined before they proceeded to impose so solemn an obligation.

Mr. Burke enforced this motion very strongly. The oath, he said, referred manifestly to the subsequent clauses, and, when it was considered, that the Prince was either to accept of these, or to renounce the Regency, he trusted that the House would not be guilty of such a precipitancy, as to fix the terms of an oath, before the conditions annexed to it were ascertained. There was also a part of the oath to which he should positively object, and that was, swearing the Prince "to take care of the safety of the King," of whose person, by this bill, he was deprived of the custody! This oath should be imposed on others. It should be exacted, if from any, from the Queen and her Council, to whom that custody was entrusted.

Colonel Phipps and *Sir Richard Sutton* alleged the necessity of the oath to be administered to the Regent. The clause might be passed, the latter said, as well at the present, as at any future time, because the oath would not be administered until the clauses were first ascertained.

Mr.

Mr. Burke argued still from the hazard of the disrespect, and the consequent refusal which might spring from their present conduct. The framers of the bill seemed to be playing at *fast and loose* with oaths! They imposed an obligation where there was no duty, and where the actual duty existed they imposed no obligation. They were in the one quarter as *insulting*, therefore, as they were *adulatory* in the other. If any such obligation was proposed, it should certainly be administered alike, and in the same manner to both.

Mr. Pitt desired that the last Bill of Regency might be read, with the oath there proposed to be administered to the Regent.

Mr. Burke instantly observed, that the line of Horace,

Ob! Imitatores! servum pecus!

was perfectly descriptive of the framers of this bill. In their *servile imitation* of the Bill just read, they had humbly copied every part that was unimportant, and as uniformly omitted every provision that was beneficial. So grossly had this been done, that it seemed the paltry error of a Clerk, not the deviation of a Statesman. By that Act, the oath respecting the safety of a minor King was administered to those to whom the custody belonged.—That was an act of *unity*, the present was a bill calculated to spread only *division* through all the branches of the Royal Family.

Mr. Pitt said, that so many speeches were not necessary, in his opinion, on a point so simple. Whether the Prince had the immediate custody or not, was not a question; it was sufficient for the propriety of the present clause, that he was possessed of the supreme Executive Authority. Such an oath had always been administered to a Regent, to enforce the due exercise of the powers vested in him. The custody of the Royal Person; it was true, had sometimes been joined to the exercise of the Supreme authority; but he did not think the oath less proper to be administered to the Prince in his *single* capacity, than it was to those who held those powers conjointly.

Lord Maitland said, that if the number of speeches in the present instance was a matter of complaint—such a complaint was certainly proper, because each of the speeches made by his Right Hon. Friend, (*Mr. Burke*) as it was convincing, ought to have been conclusive. His Lordship reprobated in strong terms the idea of conserving the Royal dignity by the present measures; the dignity of the *mind* being lost, and its irradiations in eclipse, every such effort was fruitless and absurd.

Mr. Dundas said, that their present proceedings did not seem to arise from the occasion, or to come from men of business. If

they were to argue in this manner, there would be no end to their deliberations.

Mr. Sheridan smiled at the idea which had come from the last speaker, respecting their unbusiness-like mode of procedure. He supposed, that what was meant by this sounding phrase, was merely to suggest, that the Bill should be considered in as slovenly a manner as it had been framed! He then proceeded to comment on the difference of every precedent from the measure now pending; as in no former instance had a Council of any description been permitted to proceed without the sanction of the Regent.

There was another, though less important, singularity in the phrases which were employed on this occasion. In their first steps they had declared the positive *incapacity* of the Sovereign; in a succeeding measure, this was softened by saying, that his Majesty was not *able to come down* to Parliament. In the present instance, a phrase still more courtly was adopted, in saying that the Regent was merely to *assist* his Majesty. This circumstance led him to differ from his Right Hon. Friend, (Mr. Burke) and to think that the errors of this Bill were not the errors of a Clerk: he feared, on the contrary, that it had been but too carefully and too craftily drawn. He was the more confirmed in this opinion, by seeing, that in every former Bill, the Regent was only bound to act "according to the existing laws;" in the present, the Regent was commanded to act "under the powers vested in him by this Bill." Here appeared to be a kind of *original covenant* introduced, of which he certainly should require an explanation.

Sir Charles Gould said, that if the clause containing the oath was now pressed, the House might be involved in many difficulties; but if his motion was acceded to, they would avoid all difficulties whatever.

Mr. Burke observed, that to pass the oath without fixing the conditions, would be to do that, which was once successfully ridiculed in that House—to swear a man to an *et cetera*!—The Prince, he contended, had no power to take care of the King's safety. Arguing *à possibili*, he said, that should such a man as the *modest* and *unassuming* Dr. Willis, presume to depute to the care of the King's person, a bold and presuming empiric, what authority, he asked, was there in the Prince to resist such a nomination?

[Mr. Burke here proceeding to argue upon the absurdity of the oath, by contrasting it with that which was to be administered to the Queen's Council of *Advice*, Mr. Bouverie spoke to order, and said, that such a reference to a subsequent clause was improper.—This introduced a desultory conversation, in which Lord North
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and Mr. Sheridan vindicated the propriety of Mr. Burke, and were opposed by Mr. Pitt and the Marquis of Graham.]

Mr. Burton spoke in favour of the necessity of the oath, as in case of a rebellion or civil war, the assistance of the executive power, which was in the hands of the Prince, might be necessary to the safety of the King!

The motion of Sir Charles Gould, for postponing the clause was then put, and negatived without a division.

Sir Charles Gould then entering at large into the question, said, that the Committee were now about to trench on the Prerogative, and pass beyond the necessity of the case. He concluded with moving, that the latter part of the oath should be omitted.

This motion was also negatived.

Mr. Sheridan moved to omit the words, "*according to the power vested in the Regent by the present Act*"—for the purpose of inserting the customary words inserted in former Acts of Regency—"according to the laws now existing."

Mr. Pitt, after some conversation, explained, that no particular covenant was meant by this clause, but that the Prince was at liberty to accept of any enlarged powers, which, at any future period, the House might think proper to grant.

Mr. Sheridan replied, that this was undoubtedly the construction naturally to be expected. He should have imagined no other, but that a deviation, made without a cause, had induced him to suspect a latent intention.

This last amendment was then negatived.

The business then proceeded with the postponement of the preamble as usual.

After which, Mr. Burke objected to the words "*Limitations and Restrictions*," in the first clauses.

The objection was over-ruled.

U N I F O R M I T Y C L A U S E .

As soon as the Chairman had read the following clause:

And be it enacted by the authority aforesaid, that nothing in this Act contained shall extend, or be construed to extend to empower the said Regent, in the name, and in the behalf of his Majesty, to give the Royal Assent to any bill or bills in Parliament, for repealing, changing, or in any respect varying the order and course of succession to the Crown of this realm, as the same stands now established in the illustrious House of Hanover, by an Act passed in the 12th year of the reign of King William the Third, intituled, "An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject," or to any Act for repealing or altering the Act made in the 13th year of the reign of King Charles the Second, intituled, "An Act for the Uniformity of Public Prayers and Admini-
stration

"Administration of Sacraments, and other Rites and Ceremonies, and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons, in the Church of England;" or the Act of the year of the reign of Queen Anne, made in Scotland, intituled, "An Act for securing the Protestant Religion and Presbyterian Church Government."

Lord North observed, that these Restrictions were to be considered as matters of course, occurring in every Regency Bill, and not arising from any present circumstances.

Mr. Beaumont asked whether the clause was to be considered as precluding the relief solicited by the Dissenters.

The Attorney General replied in the negative. The effect of the clause would only be, that the Bill should, on such an application, be re-considered, and so much of it repealed as might be found necessary for granting the relief required.

Mr. Pitt expressed the same sentiments; he said, that though he had opposed the measure alluded to, he did not mean to renew that opposition by any indirect means.

He said, the clause in question, as well as others in the Bill, were inserted *pro forma*, not as allusive to the present times, but because they stood in other Regency Bills.

The clause was read by the Clerk and agreed to.

MARRIAGE CLAUSE.

When the Committee came to the following clause:

"Provided also, and be it enacted by the authority aforesaid, that if his said Royal Highness, George Augustus Frederic, Prince of Wales, shall not continue to be resident in Great Britain, or shall at any time marry a Papist, then, and in every such case, all the powers and authorities vested in his said Royal Highness, by virtue of this Act, shall cease and determine."

On the reading of the clause, Mr. Rolle rose, and, after denying all communication with the Minister on the subject, said, that he now arose to propose an addition to the present clause. He had no personal motive in what he did; his conduct, he assured the House, sprung solely from his regard for the general interests of the kingdom. His wishes for the security of the Protestant succession, led him to guard against any case that might possibly arise.

He would not intimate that any such case existed; much less did he mean to insinuate any thing disrespectful of the Prince of Wales: he, on the contrary, respected a character which was above praise, as it was beyond suspicion. But if a possible case could even be supposed, where the Protestant succession might be endangered, then every friend to the Revolution, and every friend

friend to the House of Brunswick, must join in his present motion.

The amendment proposed by Mr. Rolle was, to exclude from the Regency *any person proved to be married, either in law, or in fact, to a Papist, or one of the Roman Catholic persuasion.*

Lord Belgrave opposed the motion. He admitted, however, a purity of intention in the mover. He, for his part, felt convinced, by the declaration made from very high authority (Mr. Fox) that no indissoluble tie had ever taken place between his Royal Highness and the amiable and respectable female who had been alluded to. The weight of so solemn an assertion was sufficient, and he begged, therefore, that nothing further might be urged on a subject so mischievous, and in an enquiry which all must deprecate. The whole of those rumours, which had been so often alluded to, his Lordship said, he could not but consider as a false and libellous calumny.

The Chancellor of the Exchequer agreed with the noble Lord, that the present question required no length of debate, though he spoke of the purity of the motives which induced his Hon. Friend to make the motion. The clause had been one he had alluded to, when he mentioned clauses of form, that they were put in as matter of form, without reference to the subject of the bill; that they felt the leaving out those clauses might be matter of remark. That not feeling any ground for departing from these provisions of our ancestors, they had made them part of the Bill, but for the reasons only which he had explained, and not from any idea that that they were more applicable to the present case, than to any former one. He wished not to advert to what had formerly passed in that House, and did not wish to proceed a step farther than necessity justified.

Sir William Dolben asked, Whether in the opinion of any learned Gentlemen, the present clauses were sufficient. If so, though he applauded the motive, he should oppose the amendment.

The Attorney General said, let Acts of Parliament be drawn up ever so strongly, it was impossible to say, that they might not be evaded. The security given in the present Bill, was the same as in former times, and had been deemed sufficient. As to rumours, though they might cause enquiry, they could not be made a ground for the House to legislate upon. With regard to the particular one in question, he had heard nothing which could induce him to think it had any foundation. Sure he was, there was nothing before that House which could make it necessary for them to alter the clause.

Mr. Welbore Ellis said, that the existing law was a sufficient answer to those rumours. He ordered the Act of the 1st of Geo. III. cap. 2. to be read, by which it is enacted, that the marriage

marriage of any of the descendants of Geo. II. shall not be valid without the Royal assent. This he observed was a full answer to all those rumours, as that could not be true in fact, which was not good in law.

Mr. Rolle desired, that the preamble to the Statute might be read; which, having been read accordingly, *Mr. Rolle* said, he could not pretend to pronounce upon it; but he had heard it to be the opinion of some of the first lawyers of this country, that nothing contained in the Act of Parliament just referred to, altered or affected the clause in the Act of William and Mary, which enacted and declared, that any heir to the Crown, who married a Papist, forfeited his right to the Crown. *Mr. Rolle* said, he did not wish to press any thing upon the House that was disagreeable to them, and therefore he would not divide the Committee; he was conscious of having done his duty in having moved the amendment.

Just as the question was about to be put,

Lord North rose, and said, in answer to those Gentlemen who talked of danger arising to Church or State, by perusing the Act that had just been read, it would appear that no marriage could be contracted of the kind, respecting which they appeared to have such wonderful apprehensions, and therefore no danger could arise to Church and State in the manner apprehended.

It had of late, his Lordship observed, been the conduct of the two Houses of Parliament to assume the power of making laws; as therefore the proceeding to legislate by two branches of the Legislature might be questioned, perhaps some Gentlemen might be disposed to challenge the validity of an Act of Parliament passed legally and constitutionally by the three branches of the Legislature; and thence perhaps the question of the Hon. Gentleman who spoke last. In answer to all such, he would only say, that if it were a question, whether an Act of Parliament regularly passed under all the due forms, with the joint concurrence of the King, Lords, and Commons, had the force of law? that question could not exist a single moment, without supposing that all the bonds of the political Society which made their constitution, were dissolved, and that they were reduced to a state of nature. The Act was in full force, and so it would remain, unless regularly repealed by some subsequent Statute.

With regard to the Hon. Gentleman's motives for introducing a discussion that could have no good effect, but only tended to make the Acts of the Legislature doubtful, and to raise idle and mischievous alarms throughout the country, he would not take upon him to pronounce what those motives were; they might be good, they might be bad; certain he was, be the motives either one or the other, the agitation of questions of the sort which
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the Hon. Gentleman had started, could answer no wholesome purpose. The Hon. Gentleman, however, had declared, he would withdraw his Motion, without dividing the House. He thought the Hon. Gentleman perfectly wise in so resolving, because, if the Hon. Gentleman had been rash enough to resolve to divide the Committee, he did not believe there would have been a single person to have divided with him. The Hon. Gentleman, therefore, must have given over all thoughts of having tellers. His Lordship pushed this raillery to some extent, and repeated his arguments in respect to the validity of the Royal Marriage Act.

Mr. Rolle and the *Chancellor of the Exchequer* rose together; but the latter persisted in keeping on his legs, and obtained a hearing. He began with hoping his Hon. Friend would pardon him, if he said a very few words; but the manner in which the noble Lord had chosen to deliver himself was so extraordinary, that he could not help expressing his surprize, that when the question had taken the turn, that every friend to that union and quiet, which the noble Lord had contended for, and which every Gentleman must have anxiously wished it should take, the noble Lord should have thought it either necessary or proper to endeavour to create that division of sentiment, which it seemed to be the wish of the rest of the Committee to avoid. The noble Lord had expressed himself in so taunting a manner to his Hon. Friend, that he seemed determined, if it were possible, to risque the danger of effecting an appearance of disunion, and of provoking his Hon. Friend to insist on that division, which he had handsomely declared he was willing to decline.

The noble Lord, with a degree of contemptous and insulting raillery, had said, that his Hon. Friend's motives *might* be good. The noble Lord, therefore, seemed to doubt them. The noble Lord had as little right to doubt the motives of his Hon. Friend, as he had to doubt the motives of any one man in that House. The noble Lord had thought proper to treat the subject with a degree of levity and of ridicule by no means suitable to its gravity and importance, and so hostile was the noble Lord's temper, that he could not agree with them in attempting to avoid a disagreeable discussion, that for a variety of reasons had better not have been gone into. But luckily the hostility of the noble Lord's temper was so harmless, that it could not rouse them to a vigorous defence; nothing could induce them to depart from the line they had taken, and to which they were determined to adhere. He would not, he declared, go into the discussion any more than he had done before; it was sufficient for him to say, that he took the whole of the case together, the various laws that had passed, and all the circumstances of the declaration formerly made in that House, and putting these into the scale, they were

were enough to make him be of opinion, that there was no sufficient reason for the Committee to think the clause, put into former Regency Bills by their ancestors, was not a sufficient security against every danger that could reasonably be apprehended.

Lord North and *Mr. Sheridan* rose together, but as soon as the latter saw that the noble Lord was up, he sat down. After having been so very severely reprimanded, his Lordship said, he apprehended the Committee would indulge him with endeavouring to defend himself for a very few minutes; deficient as he undoubtedly in many respects was, to many Hon. Gentlemen in that House, there was one point in which he would not give way to any man. He appealed to those who had sat with him for many years in Parliament, whether he had ever been considered as an uncandid man, or a man of a very quarrelsome disposition? He had not disputed the Hon. Gentleman's motives, he had only said, the agitation of the questions started by the Hon. Gentleman might do mischief, and could not be attended with any good consequences. He thought so still. The Right Hon. Gentleman had said, he wanted to provoke the House to a division. His Lordship declared he wished for no such thing. If there was a division, he probably should divide with the Right Hon. Gentleman, and he seldom had that honour; and as the Right Hon. Gentleman generally divided according to the ancient maxim *divide et impera*, he should not only divide with him, but command the object he divided for. If, therefore, he had been anxious to divide with the Right Hon. Gentleman, on that account a little anxiety might surely have been pardoned.

When the Hon. Gentleman, who moved the amendment, had said, he would not divide, he had said he was glad of it. Where was the harm of that? With regard to going into subjects foreign to the purpose, he could not admit the charge; least of all could he admit, that it ought to come from a quarter, where the discussion of a dangerous doctrine, totally unnecessary to be agitated, had been insisted upon so peremptorily, that although the doctrine had never been questioned, gentlemen were not suffered to sleep before they decided it.

The doctrine of the Hon. Gentlemen over the way, who questioned the validity of an Act of Parliament regularly passed, under all its forms, by the three branches of the Legislature, he must take leave to say, was of ten thousand times the importance of the doctrine of the Prince's Right. Was he to be reprimanded, if he mentioned, that he thought the discussion of it dangerous. If a Right Hon. Gentleman, on a smaller occasion, wished to settle the minds of men, might not he, on so great an occasion, wish to settle their minds also?

His Lordship added other arguments in justification of his former speech, contending, that it could not fairly be inferred from
any

any part of what he had said, that he was a man much disposed to quarrel. He owned he had spoken with a little warmth, but with much less than the Right Hon. Gentleman often used, and with more candour than the Right Hon. Gentleman ever exhibited.

Mr. Rolle said, in bringing forward the discussion, he only meant to guard the Protestant Religion in this country from danger; that he was conscious of having done his duty, and so far was he when he was satisfied, in his conscience, that he was right, from being afraid from preserving and maintaining a point, that he had once started, that he would persist, if he stood single, and all the House was against him. On the present occasion, it mattered not to him who liked, or who disapproved of what he did; he would not withdraw his Motion, though he wished not to divide the Committee.

Sir William Dolben said, he could speak in favour of the noble Lord's candour from many years experience; he had heard him attacked again and again without mercy, and had seen him bear the most severe revilings, and the most taunting reproaches, with unexampled patience and candour, though he had resisted them with great firmness. After giving the noble Lord his feeble support for many years, he now saw the noble Lord acting in a different situation, and he might also say of him, *Quantum mutatus ab illo Heclore?*

With regard to the clause in question, if they were of opinion that the words of the clause, as they stood in the Bill, were adequate to the purpose, he, for one, would have them stand; if not, he should approve of an amendment; either, that proposed by his Hon. Friend, or another that might, in the general opinion of the Committee, be deemed more adequate, because, as he had hinted before, doubts had arisen, and that not in the minds of the mean and vulgar, but in the minds of grave and learned men, whether a descendant of George II. if he married a Papist, would not, agreeably to the Act of Settlement, forfeit his right to the Crown?

Mr. Martin said, though he thought it unjust to incapacitate any man from holding a civil office for his religion, be it what it might, yet there was something repugnant to the principles of the British Constitution, in the principles of the Roman Catholic religion, that the most alarming consequences were to be dreaded from an Heir Apparent to the British Crown marrying a Papist, and therefore if a division had taken place, and no other Gentleman had divided with the Hon. Gentleman who moved the amendment, he would have divided with him.

Mr. Sheridan said, he had less to say than when he first presented himself to the Chairman, because the noble Lord in the blue ribband had so ably and so completely answered his purpose

of

of rising at all. There was, undoubtedly, a disposition on the side of the House on which he sat, to treat the matter without much discussion, but he could not help thinking the Right Hon. Gentleman had endeavoured to raise a warm discussion, by imputing intentions which could not exist.

The noble Lord in the blue ribband had treated the subject with that levity, which better became it, than the pompous solemnity it had been dressed up with by those Hon. Gentlemen, who had said, they had their doubts, but that they wished them to be hushed up. If any Gentleman seriously thought, that the matter, so darkly hinted at, had taken place, it was his duty to state the ground why he thought so, to propose an enquiry, and to probe that enquiry to the bottom. With regard to the Hon. Gentleman's motives, continued Mr. Sheridan, "I plainly say, I doubt the Hon. Gentleman's motives, and I say so, because I can judge only from a person's actions of the purity of his motives. I cannot pronounce them bad, because I cannot possibly know what they are; but let us compare them with his conduct. The Hon. Gentleman says, he has his doubts; he does not state why; he has Acts of Parliament consulted, tending darkly to sustain those doubts. What motive can he have, but to give suspicion wing, and disseminate alarm? Who has said any thing in favour of those doubts? It is true, a pamphlet has been written by an ingenious Gentleman, the madness and folly of which are apparent in every page, and the whole drift of which betrays the author to be a bad citizen, because, when he roundly asserts, that he seriously believes the fact, he refers to, to have taken place, and then resorts to no means of bringing it to light; he insinuates what he ought not to have insinuated, without proceeding to establish it by something at least, that bore the resemblance of truth." The Hon. Gentleman over the way, Mr. Sheridan said, had acted exactly in the same manner, and, therefore, they were entitled to doubt his motives. The Right Hon. Gentleman, it was plain, did not believe the fact in question, or he would have been ready enough to adopt the amendment offered by the Hon. Gentleman. The Right Hon. Gentleman had surely dealt enough in Restrictions, providing against unnecessary apprehensions, not to be suspected of being ready enough to propose further Restrictions, if he could urge a colourable pretence for so doing. If the Right Hon. Gentleman really did entertain a suspicion, a doubt, or a scruple upon the fact, it ought not to be huddled up, and left unexplained; in that case, the Right Hon. Gentleman ought to take it up, and say he thought it right for the country to take it up himself.

The *Chancellor of the Exchequer* rose again, to observe that the subject had been treated in a most singular manner. The Hon. Gentleman who spoke last, seemed willing to make him vote differently

ferently from him, which was impossible: but so anxious had the Hon. Gentleman appeared, to force him to go into a discussion, which he had declared it to be his wish, and his determination to avoid, that he had never betrayed greater warmth in agitating the subject he had most at heart, viz. a personal attack upon him, than he had done in endeavouring to oblige him to betray an equal warmth of temper, and abandon that ground which he had already taken. The Chancellor of the Exchequer shortly re-stated the summary of his former argument, why he did not think any addition to the clause, as it stood in the Bill, necessary.

Mr. Rolle observed, that the Hon. Gentleman had neither denied nor confirmed the declaration made by a Right Hon. Gentleman, two sessions ago.

Mr. Courtenay began in an ironical strain, to bestow unbounded panegyric on *Mr. Rolle*, by saying, that the purity of his motives, and the honest ardency of his zeal, were proved beyond a possibility of doubt, by the weakness, futility, and absurdity of his arguments; for, it was scarcely possible to conceive, that the Hon. Gentleman would introduce a motion of such a tendency into the House, unless he had really believed it was absolutely necessary to preserve the Protestant Religion, and to rescue us from the impending danger of Popery.

The Hon. Gentleman, trusting to his internal feelings, and the approbation of his conscience alone, had disdained to borrow the least assistance from logic, or any species of reasoning, in support of this motion, and exposed himself in all the artless and naked simplicity of his understanding. And *Hudibras* justly observes, that he who

*To prove his zeal knocks out his brains,
The devil's in him if he feigns.*

This was the second time, *Mr. Courtenay*, remarked, that the Hon. Gentleman had introduced this subject into the House, as one peculiarly adapted to the tenderness, delicacy, and sympathetic feelings, which always distinguished him. His apprehensions, though groundless, evinced his patriotic affection, and his regard to the true interest of his country; for, if the Hon. Gentleman was so much alarmed without any real cause or foundation, what a generous ardour, what a noble impetuosity, and affecting eloquence would he display, to rouse the passions, and touch the feelings of every heart, if that bulwark of our liberties, the Protestant Religion, was menaced with inevitable ruin, and it was decreed, that Popery was to be once more triumphant.

But *Mr. Courtenay* said, he hoped the nation had grown wise by experience; and, as they had suffered so severely, by placing implicit confidence in impostors, that they would not suffer them-

selves to be so easily duped at this moment, by malicious insinuations, mysterious suggestions, or idle rumours. There were, he said, always impostors anxiously watching to take advantage of the credulity of the people, and to derive fame or consequence from their prejudices. *Titus Oates* was once the idol of his day, and worshipped by the multitude; but his name was now justly consigned to contempt and infamy, and was likely to remain so, till it was degraded from the eminent rank it now deservedly held, by the superior merit of another impostor of these times, who excelled that celebrated Doctor in every art that had characterized his political life.

One Member of the House, Mr. Courtenay observed, seemed rather disposed to support the Hon. Gentleman's sentiments. He too trembled for the Protestant Religion. His apprehensions reminded him of Jack's terrors in the Tale of the Tub, who complained to his brother Martin, that the Church and State were in danger, for the Pope (as he was credibly informed) had been seen in a brandy shop in Wapping, and the whole city was thrown into the utmost consternation. Mr. Courtenay concluded by saying, that he did not suspect or insinuate, that the Right Hon. Gentleman (Mr. Pitt) had either suggested or approved of his Hon. Friend's sentiments. He only very handsomely vouched for the purity of his motives: the absurdity of his arguments, and his mischievous, though impotent efforts, he disclaimed. By this ingenious logic, the clearness of the spring was proved by the foulness of the stream; and the impropriety, indecorum, and indelicacy of the Hon. Gentleman's allusion, were amply compensated by the purity of his motives, or the chastity of his sentiments. The Right Hon. Gentleman apologized for his Hon. Friend, in the style and manner of the shew-man in Goldsmith's comedy, who admitted the awkward motions and uncouth gesture of his dancing bear. However, says he, "May this be my poison, if my bear ever dances but to the very genteelest of tunes, *Water parted*, and the *Minuet in Ariadne*."

Mr. Rolle rose as soon as Mr. Courtenay sat down, and said, not all that Hon. Gentleman's buffoonery should drive him from his purpose, which was grave and serious, and ought to be gravely treated.

Mr. Grey rose, and said, the only answer that could, or ought to be made, was the short answer of the act of Parliament that had been read. Whether the Hon. Gentleman's motives were good or not, he would leave others to determine; but he did suspect they were not good, because they tended, by their consequence, to involve the country in disunion, alarm, and distrust.

Mr. Grey was proceeding with great warmth, to enlarge upon the ill effects of the consequences, which darkly insinuated doubts
and

and unexplained scruples, founded in rumours, which he stated to be malicious, false, libellous, and calumnious to the Prince of Wales, when he was called to order by

Sir William Moleworth, who said, he could not sit still, and hear his Hon. Friend's motives called in question, and a design to promote such mischievous consequences imputed to him. He was one of the Hon. Gentleman's constituents; he knew the purity of his motives, and knew that it was the sense of his constituents in general, that he had, at all times, faithfully discharged his duty in that House, and was worthy of their confidence and esteem—

Mr. Grey interrupted *Sir William Moleworth*, and said, with increased warmth, that he would not be interrupted by any Gentleman, who, under pretence of calling him to order, obliged him to sit down without saying a syllable to order himself. When he was out of order, the House, he trusted, would proceed regularly; whatever he might say that was disorderly, the House would order his words to be taken down, and would proceed to ground a censure upon those words. To that censure he should always bow with due respect, but he would not be deterred from discussing any question before them, by any individual's rising to call him to order irregularly.

Mr. Grey justified his questioning the motives of the Hon. Gentleman, by declaring, that he conceived it to be his undoubted right to trace every Hon. Gentleman's motives from his actions. He made no scruple, therefore, to say he did doubt the motives of the Hon. Gentleman who moved the amendment, and the Right Hon. Gentleman who had affected to desire that no discussion might take place. *Mr. Grey* proceeded in language of strong invective, to reprobate the rumours alluded to, as false, libellous, and calumnious, tending to create, in the minds of the public, at a most critical moment, suspicions equally derogatory to the honour of his Royal Highness the Prince of Wales, and dangerous to the general welfare of the people, inasmuch as they were likely to promote distrust, dissension, and disunion. *Mr. Grey* pushed his argument to a considerable extent.

Mr. Watson, Chairman of the Committee, said, he was extremely sorry that a question of order had arisen, because, though no man was more desirous of doing his duty in that House than he was, in any situation in which the House might do him the honour to place him; perhaps there was not an Hon. Gentleman present less familiar with that intricate system, the system of order. He did understand, however, that it was extremely disorderly for any Member to impute measures to any Hon. Gentleman for his conduct in that House, and, therefore, he was sorry that he had suffered the Hon. Gentleman, who had spoken last, to proceed in

the first instance, to impute improper motives to the Hon. Gentleman who moved the amendment.

The *Chancellor of the Exchequer* said, the Chairman, he believed, had very correctly stated the fact as to the point of order, with respect to the imputing motives to Members for their conduct in that House. It certainly was disorderly, to impute motives to any Member of Parliament for his conduct; and it was obvious that it ought to be so, because, if the practice were admitted, the freedom of debate, and of parliamentary proceeding, would be undermined, and radically injured.

Mr. Pitt proceeded to animadvert on Mr. Grey's arguments. In the early part of his speech, the Hon. Gentleman, he observed, had stated, that the only answer to any doubt or scruple that could be suggested, as to the fact so often hinted at in the debate, was the Act of Parliament that had been read; and yet no sooner had the Hon. Gentleman mentioned that as a sufficient reply, than he had thought it proper to proceed at a considerable length to add other, and as he should conceive much weaker arguments, certainly arguments much more injurious to the cause he meant to defend. Mr. Pitt, with great solemnity, animadverted on Mr. Grey's intemperance, and said, he was persuaded, had the Hon. Gentleman left the subject where he found it, he would have acted more judiciously, and in a manner which would not, he was sure, have left him so much cause of regret that he had spoken at all.

Before he sat down, the Chancellor of the Exchequer said, he would repeat the substance of his former arguments, from which no intemperance of injudicious friends of his Royal Highness the Prince of Wales, no inapplicable argument, nor any ill-timed expression of zeal, either real or pretended, should induce him to depart. Mr. Pitt then distinctly declared, that it was a recollection of all the circumstances of the case, of the laws that were in being, the declaration that had been solemnly made in that House two sessions ago, as well as what had passed that day, that induced him to declare, that he did not see any ground on which there ought to be a public enquiry, and, therefore, he was willing to abide by the clause as it stood in the Bill, resting upon the view, that he had ventured early in the conversation to take of the Bill, when he had stated his reasons for so deciding in a sort of temper, which he could not but consider as much more becoming the nature of the subject, than that which had been betrayed by the other side of the House, and especially by the Hon. Gentleman who spoke last, who, if he knew any thing on the case, by his declaration had confirmed, that whatever he said was unnecessary to be said, and being declared with so much heat, was liable to some question. Therefore it was, that he had, in the beginning of his speech declared, that the Hon. Gentleman, in a moment of reflection,

fection, would regret having taken any part in the conversation upon the clause.

Mr. Rolle said, the assertion of the Hon. Gentleman who sat down last but one, had, in some degree, confirmed the declaration of the Right Hon. Gentleman, who had two sessions ago declared, that no such event as that he meant to guard against, had taken place.

Mr. Dundas apologized to the House, for having rather irregularly called for the Question, when the Hon. Gentleman sat down the second time, but he had entertained hopes that the Committee in general would, on motives of common prudence and delicacy, have concurred in putting an end to the discussion at that period; things since had, however, taken a very different turn, and arguments had been advanced that required some answer. When he heard that a recent Act of Parliament was the only reply fit to be given to questions of the deepest and most serious importance, he could not submit, that a matter of such magnitude should rest on such a point, nor would he agree, that the effect of the Act of Settlement was virtually done away by a posterior Act, which did not specifically repeal the clause in a statute, in which the constitution and the country were so deeply interested, as the Act of William and Mary, which had been alluded to. As little was he willing to submit, that the rumour alluded to, was a question rather to be laughed at than argued. So, to state it, sure he was, was paying a bad compliment to his Royal Highness the Prince of Wales, and resting his cause on a weak and loose foundation.

He was ready to say, that he disbelieved the rumour, for other, and he conceived for better reasons. He lamented, a thousand and a thousand times, the absence of the Right Hon. Gentleman who had made that declaration two sessions ago, which had decided his opinion at the time, and had since continued to preserve it fixed and unmoved. Most especially did he regret the cause of that absence; not that he meant to say, that he was pleased to see so able a political general as the Right Hon. Gentleman, the leader of an adverse party in that House; he knew his abilities, his judgment, and his knowledge of political tactics, too well to wish to have him at the head of an opposing corps, though he had no scruple to say, he should like, at all times, to see troops marshalled and led on by an able and a skilful general; but he wished for the Right Hon. Gentleman's presence, because he entertained so high an opinion of the Right Hon. Gentleman's sincerity, that he was confident he would have come down to the House, even at the risque of his life, to have stated his sentiments on the motion of the Right Hon. Gentleman behind him, if any thing had occurred to have induced him to alter the opinion, that he entertained, when the subject had been brought under discussion

on a former occasion. On that opinion, solemnly delivered as it had been in that House; Mr. Dundas said, he perfectly relied, and, therefore, he was ready to say, he did not give the smallest credit to the rumours which had been so often referred to in the course of debate.

The Hon. Gentlemen, on the other side of the House, seemed anxious to provoke a discussion of the whole subject; he, for one, should feel no delicacy in the world, but for a single consideration, and that was, because *two* persons must necessarily be made the objects of the discussion. With regard to one of the high and respectable personages alluded to, he certainly should feel but little difficulty, although no man felt more respect for that exalted personage than himself; but with regard to the other amiable character, he confessed, when that sex came into question in that House, he knew not how to agitate a subject of such delicacy. He therefore wished, at all times, to shut the door upon such discussions. With regard to the Hon. Gentleman's argument, that he had a right to impute what motives he pleased to any Hon. Gentleman in that House, surely the Hon. Gentleman was the last man living that should use that species of reasoning. Had the Hon. Gentleman forgot, that two sessions ago, when a motion was agitated, that did appear to be a question personally connected with one of the Hon. Gentleman's relations, [Lord Tankerville] and the motives for agitating such a question was talked of, as unworthy a Member of Parliament, the Hon. Gentleman had taken fire on the occasion, and in terms of uncommon warmth and indignation, declared, that he deemed it disorderly to impute any motives, other than good ones, to any Hon. Gentleman who brought forward any question within those walls. Mr. Dundas laid considerable stress on this fact, and concluding with hinting to Mr. Grey, that it would have shewn more prudence, and have better served the cause, on the behalf of which he had exercised his zeal, if he had restrained that zeal, and taken no part in the debate of that day.

Mr. Grey rose again, and said, he did not mean by making a speech then, to lengthen the debate, he rose merely to say, that so far from feeling what the two Right Hon. Gentlemen had said, he must feel, on sober reflection, some portion of regret for the manner in which he had delivered his sentiments; he was, upon mature and cool reflection, ready to profess himself happy for having so delivered his sentiments, since they had drawn from the two Right Hon. Gentlemen, express declarations, that they neither of them believed any thing of the reports so often alluded to in the course of the debate.

Mr. Grey repeated his reprobation of those reports as false, libellous and calumnious. He admitted the justice of Mr. Dundas's remark relative to Mr. Fox, and assured the Committee, that

that it was due to the character of his Right Hon. Friend to declare, that no consideration of health, or any other circumstance, would have prevented his attendance in his place, if he had not, at that moment, been fully satisfied, that what he had asserted on a former occasion, was strictly true. Had the case been otherwise, his Right Hon. Friend would, undoubtedly, have been present, even at the risque of his life. The Chancellor of the Exchequer, he observed, had said, that on cool reflection, he must feel some regret at what he had said, and the other Right Hon. Gentleman had said, that he was the last man living who ought to have imputed improper motives to the Hon. Gentleman who made the motion of amendment that day, because the Right Hon. Gentleman had said, he took fire in a former session, when improper motives had been talked of, relative to a motion that he had introduced. He admitted, Mr. Grey said, that the fact was, as the Right Hon. Gentleman had stated it. He had not been a Member of that House long, before the occasion in question had occurred, and he had felt his honour deeply wounded at an imputation, which he felt to be so unmerited at the moment, but the Right Hon. Gentleman, at the head of his Majesty's Exchequer, had soon reconciled himself to such conduct, and, by his own practice, had taught him to believe, that it was the usual practice of the House.

With regard to the Hon. Gentleman's virtuous motives, who had made the amendment, the Hon. Gentleman had, by his own conduct, provoked a proof of his intentions to be made, and forced him, among others, to urge him to come forward, with a full declaration of all he meant by his dark allusions. Mr. Grey said, Mr. Dundas seemed to intimate, that he had hurt the Prince of Wales's cause by his indiscretion; he thanked God, it was a cause so good in itself, that it could not be hurt by any man's indiscretion. If any man had a charge to make, he challenged that man to bring it forward.

Sir William Moleworth rose again, and apologized for the warmth with which he had called the Hon. Gentleman to order before, declaring, that he had so high a sense of the goodness of the Hon. Gentleman's motives, who had proposed the amendment, that he could not sit silent and hear those motives impeached. *Sir William* said, he was always sorry to differ from his Hon. Friend, but he must differ from him respecting the clause in the Bill, to which the proposed amendment referred, because, he was convinced, that the clause, as it stood, was an adequate provision for the security of Church and State, and the succession of the House of Hanover. *Sir William* added more observations, but he delivered them in so low a tone of voice, that we did not distinctly hear them.

At length Mr. Watſon put the Queſtion on Mr. Rolle's amendment, which was negatived without a diviſion.

RESTRICTIONS RESPECTING THE CREATION OF PEERAGES.

As ſoon as the claufe on this topic had been read,

Sir James Johnſtone roſe and ſaid, he could not agree to this claufe, becauſe he conſidered it as ſhutting the door of the Houſe of Lords againſt the Commons of Great Britain. *Sir James* thought the reſtriction ought to be in ſome ſort or other qualified. If the Regent were allowed to make but one Peer a year, he ſhould be ſatisfied; but he could not agree that the other Houſe ſhould obtain an undue weight in the ſcale of the conſtitution, and that the heads of wealthy and reſpectable families, who had ſeats in that Houſe, ſhould be debarred from any chance of having the honours of the Peerage conferred on them.

Mr. Jolliffe ſaid, he had refrained from ſtating his objections to the projects of the Right Hon. Gentleman, becauſe he was deſirous to ſee the extent of his plan, and what limits he would place to his ambitious views. He had valued himſelf on the boldneſs of his conduct; but he had overleaped the expectations of his moſt ſanguine admirers. He would not, he ſaid, now enter into any diſcuſſion of the ſubject at large (which he propoſed to do at a future opportunity), but he would confine what he had to ſay to the queſtion immediately before the Committee. The Royal Prerogative, of granting the higheſt honour and dignity that a ſubject could receive, was, perhaps, the very firſt privilege of the Sovereign, and was given for wiſe and beneficial purpoſes, for the advantage of the people, and thoſe who were the objects of Government, and for whoſe benefit all Government was erected, and not for any aggrandizement or benefit to the Governor. If prudently exerciſed, it was a power judiciously placed; but ſhould, on no account, be ſubject to poſitive and abſolute limitation. The defects ariſing from an injudicious or laſh exerciſe of this power, was to increaſe, in too great a proportion, the ariſtocratic part of the conſtitution; but the limiting that prerogative, was to veſt in one part of the legiſlature the whole legiſlative capacity of the kingdom. The reaſons for the prerogative were two: the one to enable the Sovereign to reward merit, and to beſtow favours on the deſerving; the other, to prevent a combination in the Houſe of Peers, which might ſubvert the very exiſtence of Monarchy itſelf. If this power was well placed in the hands of the King, it muſt be ſo in the hands of the Regent; for miſuſe of power was as liable to one man as to another. If the Miniſters of the King were cenſurable for ill advice, ſo were the Miniſters of the Regent; and if the Go-

vernment

vernment was intended to be well administered, it was as necessary that this power should be in the hands of one as of the other. Merit was liable to arise at all periods, and equally deserved reward.

The House of Peers were as subject to a combination, during a Regency, as at any other period, which required controul at all. There could, therefore, be no reason assigned for his limitation; the only excuse was, that it was a temporary expedient, during the incapacity of the King. But why was merit to go unrewarded? Or, why were the Peers to have a positive ascendancy over the other branches of the Legislature, during that interval? For no avowed reason; but, in reality, to give to the Right Hon. Gentleman that power and influence, at which he had so long been aiming. Another indisputable objection was, that no period was fixed when this limitation should cease. So that if his Majesty lived for any period, however long, and his malady continued, the Peers might, in defiance of the other branches of the Legislature, shut their doors, and govern the country in any manner they thought proper. He therefore moved to limit this restraint for the term of one year.

Lord North followed Mr. Jolliffe on the same side. His Lordship said, this restriction, he understood, like all the others contained in the bill, was grounded on the probability of his Majesty's speedy recovery. In debating the resolutions, it had been admitted, that if the period antecedent to his Majesty's recovery should unfortunately prove a long one, this restriction, respecting the power of making Peerages, would be an improper one. It was exceedingly material, therefore, to look to dates. The first of February, which was the time stated in the amendment, was almost a year from that day. It was two months since they had first examined his Majesty's Physicians, and his Majesty had been ill almost as long before. The period prescribed by the amendment would be full fifteen months from the commencement of his Majesty's illness, as laid before the Privy Council. He appealed, therefore, to the serious consideration of the Committee, whether this restriction did not tend to make the House of Peers form too great a balance in the Constitution, to overweigh that House, and destroy the equipoise, which the Constitution had wisely given to the three branches of the Legislature. His Lordship repeated his former argument, that if the clause passed without limitation, it would tempt the House of Lords to retain the power it gave them, and to refuse to part with it, when circumstances might hereafter render it advisable to take off the restriction. By limiting the duration of the restriction to the first of February, he contended, that the House would reserve its own right to exercise its authority. If the King should not then be recovered, they might resume the consideration, and
continue

continue it for a longer time, if they should deem it to be advisable. Whereas, if they passed the restriction without any limitation, they would deprive themselves of the power of exercising their own discretion, and lay the House of Commons at the mercy of the House of Lords.

Mr. Isaac Hawkins Browne said, he should vote against the amendment, although he had before voted for some limitation of this particular restriction. He said, whenever the melancholy occasion should occur, that they should find themselves unfortunately obliged to consider his Majesty's recovery improbable, he was sure they would all meet it with the extremest regret, and the most heartfelt concern. It would, therefore, be too early to be a welcome occasion, let the period be ever so lengthened. At present, they felt some consolation under the calamitous circumstances of the country, from the assurances of his Majesty's Physicians, that there was a strong probability of his recovery. They ought, therefore, to allow time for that happy event to take place; and he should think three years not too long a time. Two years, at least, ought to be allowed; and, therefore, as he did not consider two years too short a period, he certainly should object to an amendment, which proposed only one year.

The *Chancellor of the Exchequer* declared, he objected to the amendment on the same ground on which he objected, when the resolution had been under discussion in the Committee on the State of the Nation. The noble Lord had urged the same reasons against it, which he had then advanced, and which had then been answered; and therefore he should not repeat his arguments over again. With regard to the amendment, he thought one year too short a time for a limitation, if a limitation of any particular restriction were deemed necessary. *Mr. Pitt* agreed with the Hon. Gentleman who spoke last, that it was perfectly fair for those gentlemen who had deemed some limitation necessary, to object to the amendment, as proposing a limitation of too short a time.

Mr. Fitzherbert considered the bill as a bill that would make it impossible for the Regent to carry on the government of the country. Our ancestors, in framing the Constitution, had, he said, adopted three branches of the Legislature, each of which was to have a distinct and separate power. He was, he declared, as unwilling to invade the rights of the Crown as of any other branch; but the bill took away the necessary powers of the Crown, and provided a crippled and enfeebled Government. *Mr. Fitzherbert* alluded to the famous vote, "That the Influence of the Crown had increased, was increasing, and ought to be diminished;" and contended, that the present bill tended to diminish it so totally, as to destroy its necessary consequence in the Constitution.

Mr.

Mr. Martin said, he should apprehend, that if, by the time mentioned in the amendment, his Majesty's health should not be restored, there would be a very poor chance of his recovery. Much, therefore, as he wished for his Majesty's being capable of resuming his Government, he should vote for the amendment.

Mr. Burke began a very long, able, and warm speech, with declaring, that he had always doubted the intentions of the proposer of the resolutions, when he got the House to vote those resolutions. He had stated his fears at the time, and those fears (that it was intended by prevailing on the two Houses of Parliament previously to pledge themselves, in order to force them to abandon their deliberate incapacity hereafter) were now fully verified. The Right Hon. Gentleman had declared, that unless any thing new was stated, he would say no more upon the subject.

One Right Hon. Gentleman lamented his Right Hon. Friend's absence a thousand times; *Mr. Burke* said, he, comparatively, had reason to lament it ten thousand times. If the Right Hon. Gentleman had lamented the absence of a General, the ablest that ever conducted an opposition army. What ought not this lamentation to be? The Right Hon. Gentleman had a high sense of the Phalanx which he fought with. If he ran, he knew he ran with Kings. He therefore, thought nothing of conquering their irregular army without their General to lead them. The Right Hon. Gentlemen, he said, reminded him of Montecuculli, who, on the death of Marshal Turenne, broke his staff, and said he would fight no more, because he had no enemy left that was worthy to cope with. *Mr. Burke* here, with that happy readiness of memory which peculiarly distinguishes him, adverted to the period of history to which he alluded, and stated a variety of facts apposite to his argument, declaring, that he wished the Right Hon. Gentleman an happy retirement, conscious as he was, that he was opposing an adversary that could ruin him, and who chose that day to conquer, as all good Generals would wish to do, without risking a battle.

Mr. Burke said, whether he could produce any thing new or not, he should certainly acquit his conscience, and endeavour to do his duty. He desired, in the first place, to be shewn, when in any Regency Bill, preceeding the present, there had been a limitation of Peerages? He contended, that the present Limitation must be proposed, on a suspicion that the Prince would abuse his trust, or that his Royal Highness's friends were such men as were suspicious, or from the affected motive that the King would be hurt, if, upon his recovery, he found a change of tables, chairs, and stools, about his person; for it was not less absurd to suppose one thing than the other. *Mr. Burke*, in order to exemplify his argument, that the King had, at various times, suffered different men, and at different periods, to increase the

Peerage

Peccage, ran through a list of the various administrations of late years.

He first mentioned Lord Rockingham, whose power, he said, had been as large as his heart, and yet, when he possessed the power a second time, he used it with mildness. He, in this part of his speech, suffered his warmth to hurry him into a violent invective against the supporters of the Bill. He imputed their insisting on such a Restriction, as that under consideration, to the blackness of their hearts, and the rooted degree of their malignity. He charged every man who should vote for the Restrictions, fully and explicitly with the worst motives, because, he could not suppose they would vote without. With regard to the probable prodigal making of Peers, Mr. Burke said, it was a slander. The motives could not be formed from the Prince, because those who ascribed them, did not know him; it could not be from the men, because their power had before been exerted without abuse. The Duke of Portland, for instance, had often served his Majesty; first as Lord Chamberlain, which place he filled with high honour; then as Lord Lieutenant of Ireland, and lastly, as first Lord of the Treasury, and in each capacity, the noble Duke had acted to the satisfaction of his Sovereign. Would it be contended, that his Majesty could be pleased only by one person?

Let it be remembered how many, and how different the sort of men, were that he had at different times favoured? The Earl of Shelburne, who was, at one time, generally supposed to be disliked by the King, and who was *now in the woods*, was, at a particular period, in favour. The Right Hon. Gentleman also, who was once the last person likely to be in favour at Court, had since been in favour, and had well repaid that favour; why then was it to be supposed, that persons who had been once in his Majesty's favour might not be so again? There never had been so many Peerages made, Mr. Burke said, as during the present Administration. He adverted to Mr. Rolle's declaration on a former occasion, that there had been persons created Peers during the present Minister's power, *who were not fit to be his grooms*, and made a variety of pertinent and pointed animadversions upon it; and yet, he observed, that, at the same time, that the Right Hon. Gentleman had made the largest use of this exercise of the Royal Prerogative, the Right Hon. Gentleman would not permit a temporary exercise of it, by the Ministers of the Regent.

If, therefore, the Committee put no period to the Restriction, Mr. Burke said, it was directly against the Constitution, and he asked if no great men in this kingdom existed worthy of being distinguished, except those whom the Right Hon. Gentleman had distinguished? He contended, that this was an affront to the noble young men of the kingdom, and he put several cases hypothetically

pothetically of young men of noble families fit to be made Peers. He took notice of the declaration of the Lord Chancellor in the House of Lords, that the Prince might indemnify himself by *promises*, which he considered as an affront to the law, the landed interest, and the *noblesse* of the House of Commons. Mr. Burke went over Lord North's ground of argument, that the Restriction in question would tend to support the House of Lords in a combination against the Crown, and to encourage a faction in that House; points which he urged with additional force of argument.

In the course of his speech, Mr. Burke more than once, by the vehemence of his manner, caused an expression of laughter from the other side of the House, on which occasion he collected himself with dignity, and repelled the ridicule. On one of these occasions, he said, *gentlemen might laugh poor honesty out of countenance*, but they would better prove their claim to respect by answering his arguments. He put it to their consciences, when they considered what they were doing, whether they were acting justly, whilst they were acting as they did; declaring that their conduct would only vex him, at the moment as any other inanimate thing might, that come in his way, would do, without seriously disturbing his judgment, or affecting his mind.

Mr. *Thistlethwaite* said, he had not spoken his sentiments before, he therefore took the opportunity of declaring, that he highly applauded the conduct of the Right Hon. the Chancellor of the Exchequer, that he had not shewed the least disrespect to the Prince of Wales, and that there was, in his opinion, no foundation for the complaint of a crippled Regency.

The Peerage Restriction was voted.

At length, proceeding to the Restriction relative to Pensions, Reversions, Offices for life, &c.

Lord North renewed his argument, that the King ought, on his recovery, to find himself in no worse situation than before his illness, and that, therefore, although the Regent might be restrained from converting any place during pleasure into a place for life, yet he ought to be enabled to grant places for life, as they fell in. His Lordship moved, as an amendment, to insert words substantially, importing, that the Regent should have no power to grant such places for life, as were, on the first of November last, places during his Majesty's pleasure.

After some conversation between the *Master of the Rolls*, Lord North, and the *Chancellor of the Exchequer*, the latter arranged the amendment, so as to make it fall in naturally with the construction of the sentences of the clause.

Lord North returned his thanks to the Right Hon. Gentleman for his arrangement, and the question on the amendment was put, and negatived.

Lord

Lord North next suggested the propriety of an amendment, grounded on the probable circumstance of the Regent's having occasion to appoint a Lord Chancellor, or a Lord Keeper. In that case, the Regent must necessarily look to high situations in the law, or to Barristers in great practice; and as the place of a Lord Chancellor was precarious, from its being a political situation, it could not be expected that any man would quit the bench, or the bar, without some security in case of dismissal from the office of holding the Great Seal, &c. His Lordship enlarged much upon this point. He observed, that Judges held their offices *quamdiu se bene gesserint*, and that the place of a Lord Chancellor was properly during pleasure. What, therefore, he said, could induce a Judge, who held his office for life, or a barrister, who might get from five to seven thousand a year by his practice, to quit either, for the Great Seals, which he might not, perhaps, hold for a fortnight, unless some security was afforded him, by a reversionary office? He reminded the Committee, that the avowed principle on which it was declared a Regent ought to be appointed was, *that he should chuse his political servants*, and, surely, it would be admitted, that a Lord Chancellor was as essential a political servant, as any other whatever. He declared, therefore, that he had prepared some words to come in by way of addition to the clause, but he did not think that a sufficient security, because, in case a place of reversion was given to a Lord Chancellor, upon either resignation or dismissal, the person who had held the Seals, might be a considerable time without any provision. He, therefore, meant to move a clause, (which he was aware, must be proposed at the end of the Bill, but which he thought it fair to state then, as it made an essential part of the consideration) that the Regent should be empowered to grant such person accepting the office of Lord Chancellor a *floating* pension of 2700l. a year. His Lordship explained, that the reason of his taking the particular sum of 2700l. a year, was, because that was the sum allotted by Mr. Burke's Bill, for the reform of the Civil List, to Tellers of the Exchequer, in lieu of their emoluments heretofore. This, his Lordship said, was a less sum than any lawyer and barrister of great business must quit, when he accepted the place of Lord Chancellor. His Lordship added some further remarks illustrative of his first amendment, and the clause that he meant in a subsequent stage of the business to move; he concluded with intreating, that although it was, as he well knew, a small irregularity, that both the one and the other might be read, as they made a part of the same object.

The amendment, and the intended clause, were accordingly read by the Chairman.

Mr. Burke rose immediately, and made a short speech in relation to his own Bill, the object of which he complained, had
been

been frustrated by the conduct of those who had acted on a different system.

The *Marquis of Graham* objected to the amendment, and to the clause, because, he conceived, they tended to give the Regent a power beyond any that the Crown enjoyed. His Lordship very neatly and nervously explained the principles on which he grounded his opinion.

The *Chancellor of the Exchequer* said, he believed it was not parliamentary to discuss, whether there was a certainty of finding a successor to the noble and learned Lord, who now held the Great Seals; he hoped, so unfortunate a circumstance as the country's being in danger of being deprived of the assistance of so able a Minister was not likely to happen; certain he was, a fit successor could not easily be found. When this matter had been alluded to by the Right Hon. Gentleman, who was absent, he had fairly stated what he thought to be the fact, that there ought to be the means of inducing a person fit to hold the office to take the Great Seal. He was of the same opinion still, but he did not conceive the House ought to anticipate such a vacancy, and to provide for it before it happened.

With regard to the sum of 2700*l.* a year, as the amount of a floating pension to provide for the person who might be dismissed from the Great Seal, he thought it a fair proposal; but he objected to its being adopted as part of the present Bill, because he deemed it both premature and unnecessary. Whenever the occasion occurred, a Bill might be brought in to provide for it, and he saw not the smallest objection that could be made to it; but if they agreed to it now, they would seem to anticipate a declaration of an opinion, that the Regent must necessarily have a new Chancellor, an event which, he was persuaded, would be seriously lamented by the country.

Lord North said, he hoped, with the Right Hon. Gentleman, that there might be no occasion; but he must say, that if the power was not put into the Regent's hands, they receded from their declaration of giving the Regent the power of choosing his political servants. His Lordship argued and maintained this point very ably, contending, that if, upon a vacancy of the Great Seal, the matter was to be debated again in the House of Commons, it was breaking the corner-stone of the plan, the foundation of which was, that the Regent, and not the Parliament, should have the choice of his political servants.

The *Chancellor of the Exchequer* replied, and persisted in his argument, that the amendment was not necessary, as no objection could be made, when the occasion to apply to Parliament should be necessary.

Lord North rose again, and contended, that it was and had been usual for Parliament to interfere with Ministry holding their places,

places, by addressing the Crown to remove certain Ministers from its Councils, but it had never gone so far as to advise the Crown to appoint A. B. or C. D. Ministers, and that he contended would, in effect, be the consequence of not adopting his amendment.

Mr. Sheridan, with great wit and acuteness, argued, that what had fallen from the Right Hon. Gentleman amounted to a declaration, that he considered the present Lord Chancellor as thinking so highly of the successors of the existing Ministers, that he was willing to remain in office, notwithstanding his present co-partners were dismissed.

He considered the Right Hon. Gentleman's conduct as a design to smooth the way to the Lord Chancellor's retreat, when necessary, and as providing for adding that noble Lord's strength, as long as he did remain in office, to that fortress, which Mr. Sheridan said, he had before described as the place of strength, which the Right Hon. Gentleman had provided for his own retreat. While the Right Hon. Gentleman dwelt so pathetically on his *own* departure, he seemed to have little pity for the situation of the Chancellor, who he would still leave to the fury of his probable successors, who were to form a desperate confederacy. The Chancellor, perhaps, would be perfectly content to unite in the confederacy, but the refined sentiments of the Hon. Gentleman's legal colleagues might prevent them from forming such a factious connection. In this case the Regent would be greatly perplexed; for how could he find a substitute for the learned Master of the Rolls? or the Attorney or Solicitor General, should they resign, when he is deprived of all means of rewarding them for their eminent services? For these reasons, he thought the Hon. Gentleman and his friends should cheerfully agree to the amendment.

The *Chancellor of the Exchequer* denied, that he said any thing of the Chancellor's or his own removal; he knew it would be difficult to find a man of the upright conduct and manly integrity of the Lord Chancellor to fill his place, in case of vacancy. As to announcing his own departure, he denied it; he did not foresee the event, and should therefore think himself presuming to have hinted even at that circumstance. When it should happen, he must surely take his leave of the House for the honourable support which he had received, during his continuance in office. He could not then say what he felt on contemplating that independent support, with which he had been honoured—and when he was to make his departure, he would feel an additional consolation in finding, that he had to take leave of those, whose conduct, in the public service, was universally admitted, and admired, and who manifested a confidence in him, which was the highest panegyric on his character.

Mr.

Mr. Sheridan congratulated the Ministers on the warmth and vociferation with which his friends had cheered his last declaration. It was to be observed, however, that it was a declaration announcing his hopes of remaining in office, which accounted for those exulting cheers.—As to the speech which the Right Hon. Gentleman would make, if he were to quit office, he had not the least doubt but that it would be a very fine one. He trusted, however, that when the hour came, when he was to make his FINAL PANEGYRIC on himself, that there would be found those who would not flinch from meeting the discussion of the whole of his ministerial life, from his first creeping into office, to the bold stand he now made to keep forcible possession of it; and to unmask the delusions he had practised on Parliament and the public.

Mr. Browne spoke against the amendment. The amendment was negatived.

The *Chairman* reported progress, and the Committee asked leave to sit again on Monday; leave granted.

The House adjourned at eleven o'clock to Monday.

MONDAY, FEBRUARY 9.

HOUSE OF COMMONS.

ROYAL MARRIAGE.

Mr. Rolle rose, and said, before they moved the order of the day, he desired to call the attention of the House to a paper, that he held in his own hand, and which he would read to the House; *Mr. Rolle* then read it as follows:

“*Mr. Grey* was very severe upon *Mr. Rolle*; without any reservation whatever, he charged the mover with motives devoid of honour and principle—such as *no honest* man would dare to do, or could justify.”

Mr. Rolle said, his motives for moving the amendment, that he had proposed on Saturday, were, because he considered the clause in the Bill did not attach to certain cases that might possibly happen. He saw no statute or Act of Parliament that guarded against the previous marriage of the Regent, as such a circumstance would be improper, he wished to guard against any such possible case. The present Bill, he conceived, would be an Act of Parliament which did attach to a Regent's Marriage. He had wished, therefore, by establishing a precedent to

guard against the possibility of any future misconception on the subject. His principal object was, to support the House of Brunswick, and to give the Prince, for whom he entertained a sincere respect, an opportunity of clearing up all doubts. When the Hon. Gentleman opposite to him, had used violent epithets in the course of his speech as imputable to his motives, he had not thought he was serious, but attributed them merely to the heat of debate; if, upon cool reflection, the Hon. Gentleman should persist in those declarations, he should think them as uncandid and illiberal, as they were unjust.

Mr. Grey was upon his legs, but was interrupted by *Mr. Speaker*, who said, it was with much pain that he had listened to the Hon. Gentleman, but he had really imagined, from what he had said in the early part of his speech, that he meant to have concluded with some Motion. Nothing could be much more disorderly, than for any Member to allude to what had passed in debate on a former day, but it was most disorderly to make, what appeared in a newspaper, the subject of debate in that House. He begged, therefore, not a syllable more might be said, respecting what had fallen from the Hon. Gentleman.

Mr. Rolle was proceeding to declare that his only motives were —

When *Alderman Newnham* interrupted him by observing, that if one Gentleman had been heard, he hoped another would be permitted to be heard.

The *Speaker* insisted, that such a disorderly conversation should not continue.

REGENCY BILL.

The *Chancellor of the Exchequer*, therefore, called for the order of the day, which having been read accordingly, and *Alderman Watson* having taken his seat at the table,

The twelfth clause was read by the Clerk,

Mr. Dempster said, he found, by that clause, the Prince of Wales was not to have any thing to do with the personal estate of his Majesty, he begged to know, who was to have any thing to do with it?

The *Chancellor of the Exchequer* said, the question the Right Hon. Gentleman had put was, whether there was a positive provision, in answer to which he declared there was, but they knew nothing of that personal property. He knew not where it was, but if the King possessed it, it must be in the hands of a trustee.

Mr. Anstruther rose next, and desired to know, who those trustees were. The property might be squandered away. They did not know to whom to apply, or if they did, they might not be able to get at it. If they took care that the son should not embezzle

embezzle that property, they ought to take care also that nobody else should. Mr. Anstruther said, he should propose a clause, appointing the Princes of the Blood, the Lord Chancellor, and the principal Judges, he meant the Chief Justices of the Courts of King's Bench and Common Pleas, trustees.

The *Chancellor of the Exchequer* said, as it was a separate clause, it had better be offered at the end of the Bill.

Mr. Anstruther acceded to the proposition.

The thirteenth clause was read, and carried without any observation.

The fourteenth clause; providing for the payment of his Majesty's household, under the direction of her Majesty, being read,

Sir James Erskine opposed it, as granting larger powers than were necessary to be granted; and considered, that the expence of the household might be much decreased.

The *Chancellor of the Exchequer* said, that some circumstances, arising from his Majesty's situation, rather tended to increase than diminish the expence of some parts of the household.

Mr. Sheridan objected to the clause as wholly unnecessary, and as tending to create a double government of the household, in the Queen, and in the Treasury.

The *Chancellor of the Exchequer* replied, that there would be no double government, the Treasury having nothing more to do with the household by the present clause, than to issue the sums ordered.

Mr. Burke objected to the clause, as tending to the subversion of the privileges of the Act of Establishment of the Civil List; and as tending, likewise, to the subversion of œconomy, and calculated only for the purpose of providing for a favourite and necessary corps.

The *Chancellor of the Exchequer* intimated to the Committee, that Messengers were attending from the Lords, and for the purpose of receiving the message, moved, that the Committee should report progress.

This being immediately agreed to, the House was resumed, and the Messengers called in.

MESSAGE FROM THE LORDS.

The Lords had commanded the Messengers to acquaint the House of Commons, that they would proceed further in the trial of Warren Hastings, Esq. on Monday next.

The Messengers being withdrawn, *Mr. Burke* informed the House, that he understood a Petition had been delivered by Mr. Hastings to the Lords, setting forth, that he had expended already, in the course of the trial, 30,000*l.* and prayed their Lord-

ships to proceed with all speed to his trial. Mr. Burke expressed his readiness to proceed as speedily as possible to the issue of that, on which he considered his honour to be most solemnly pledged. He remarked, that the sum expended by the public, in the course of the trial, was much less than had been stated to have been expended by Mr. Hastings, and concluded by observing, that he understood their Lordships only meant the trial should stand for Monday, *pro forma*, but that they did not intend to go into it on that day.

The House again resolved itself into a Committee on the adjourned debate on the 14th clause, Brook Watson, Esq. in the chair.

A short conversation ensued upon the clause, in which Mr. Pitt, Mr. Sloper, Mr. Burke, Mr. Sheridan, Mr. Powys, the Attorney General, Sir James Erskine, and Lord North, took part.

Mr. Powys moved, that the clause be postponed, in which motion he was supported by Lord North, upon the ground of the propriety of deciding upon a subsequent clause first, which was the basis of the present.

The motion being persisted in, the Committee divided,

Ayes	87
Noes	132

Majority 45 against its being postponed.

The clause was then put, and carried without a division.

The fifteenth clause was put, and carried without any conversation.

The sixteenth clause, relative to the privy purse of his Majesty, was next proposed, which was opposed by Mr. Dempster, Sir William Cunynghame, Mr. Burke, Sir William Moleworth, and Mr. Sheridan; and supported by the Chancellor of the Exchequer, Mr. Dundas, Sir James Johnstone, and Sir Benjamin Hammett.

It was opposed upon the ground of the impropriety of refusing to his Royal Highness the Prince of Wales, who was to support the dignity of the Crown, the power over the privy purse, amounting to 60,000*l. per annum*, out of which, by the clause, was to be taken 16,000*l.* and given to her Majesty, for purposes unknown to Parliament, and the remainder to be improperly locked up from the Prince, and to be left, in case of his Majesty's indisposition continuing, to the disposition of Parliament.

It was supported upon the propriety of continuing his Majesty's benefactions, and on the impropriety of seizing, the moment of his Majesty's indisposition, to strip him of his property. The 16,000*l.* which had been said to be given to her Majesty, for purposes unknown to Parliament, was explained in the following manner; 12,000*l.* was given to pay an established list of charities, settled by his Majesty; and the remaining 4000*l.* was to enable

enable her Majesty to continue his Majesty's benefactions to those persons who were not on the list, but who, she knew, received charity of his Majesty to that amount.

Sir William Moleworth was willing to agree to the sum proposed, to be taken from the money of his Majesty's privy purse, that was appropriated to the charities mentioned; but not thinking it proper that the remainder should be kept from the Prince, he moved, as an amendment, to add the words, "and that the remainder shall be paid over to the Treasurer of the privy purse of the Regent."

Upon this amendment the Committee divided.

Ayes	101
Noes	156

Majority 55 against the amendment.

The *Solicitor General* proposed an amendment, which was agreed to, and the clause was carried without any further objection.

The seventeenth clause was next read, vesting in her Majesty the care of the King's person, and the government of the household.

Mr. Powys objected to that part of the clause which gave her Majesty power over the household, he condemned it as a division of power with the executive authority, which was unjustifiable and inadmissible; the power given her Majesty over the household, and the clause restraining the Regent from creating Peers, gave a dangerous controul over the two Houses, and the Country, which was put into irresponsible hands. After arguing upon the mischiefs that might result from such a measure, he concluded by moving an amendment to the preamble of the clause, leaving it open for future revision.

The *Chancellor of the Exchequer* agreed to the amendment, and said, in the course of the whole business before the House, one of the principles he had ever invariably maintained was, that the whole of the Bill ought to be kept open, and subject to the future revision, and alteration of Parliament.

The question on the amendment being put, and agreed to, it was inserted in the clause.

Sir Peter Burrell spoke against the latter part of the clause, the patronage given by which, he said, was so loosely expressed, that it was impossible to ascertain the amount of it, and of which, he conceived, the House ought to be acquainted, previous to their adopting the clause.

The *Chancellor of the Exchequer* acquainted the Hon. Baronet, that the whole amount of the salaries of the household, from the great officers at the head of the different departments, down to the most menial servants in any of the palaces, or the stables,

was no more than 100,000*l.* *per annum*; out of that sum there was no more than about 30,000*l.* received for salaries by Members of the two Houses of Parliament; there were seven in the House of Commons, whose salaries amounted to about 4000*l.* and eighteen Lords in the other House, whose salaries amounted to about 26,000*l.* Such influence, he said, was not, in his opinion, likely hereafter to preclude any revision, or necessary alteration in the system proposed for the present emergency.

Sir Peter Burrell returned his thanks to the Right Hon. Gentleman, for his clear and explicit explanation.

Lord North said, notwithstanding all that had been said, he did not see that it was a self-evident proposition, that all the officers of the household must be made subject to the controul and nomination of the *Committee* of the King. He denied that it was a self-evident proposition, nor could he conceive that the Queen ought to have any power or controul over any officers of the household, excepting only such of those officers, as were, from their situations in the household, obliged to attend upon the King's person. The rest of the officers, who could be of no service to the King's person, ought not, in his opinion, to be under the controul of the *Committee* of the King, but ought to be annexed to the King's representative, the person who actually exercised the Royal Authority. Why could not the Right Hon. Gentleman try to separate the household? To separate the regal office from the Royal Prerogative seemed a difficult point, but to separate the grooms, the equerries, and the pages, from the Lord Chamberlain, the Lord Steward, and the Master of the Horse, had been deemed almost impracticable, and yet it was of the utmost consequence. He asked, which of the two evils was the greatest, and which was of the most consequence, and established the worst precedent? The separating of the household, or the withholding from the Regent the source of that general influence, which the Constitution had deemed necessary to be given to the Crown and to the executive power of the country. That general influence, without which the Crown could not exercise its duties. In all general influence there was necessarily, his Lordship said, a degree of parliamentary and political influence; but he saw no harm in that, and yet that influence was treated as of very little consequence. The Right Hon. Gentleman had acknowledged, that eighteen Peers of Parliament belonged to the household; did Gentlemen consider, that eighteen Peers voting on one side, made the difference of thirty-six on a division, and was that nothing? He did not say a bad use would be made of that influence, but the withholding it from the person exercising the Royal Authority was contrary to the principles of the Constitution. But it had been said, it would be a comfort to a King to see his household about him; for his part, his Lord-

ship declared, he could see no comfort that could derive to his Majesty, during his illness, by having this power of his representative vested in other hands. Who would say that his Majesty himself, when he recovered, would not revolt at such a principle! He had not heard what single royal duty was not expected from the Regent, if, therefore, the Regent was to continue charged with the whole duties of a King, why was he to be curtailed in his prerogatives. The consequences of introducing such a new principle into the Constitution, might, when his Majesty should be restored, disturb the peace of his reign. The Constitution annexed all the power of the Royal Prerogatives to the Crown, because all the power was necessary. If it were not necessary, it was too much, and if too much, it was pernicious, and ought to be abolished. Might not, at a future period, that Question be agitated in respect to the power of the Crown? Might they not reason thus, and say, what is gained from the Crown is gained to the people? No, his Majesty would say, "the Constitution gave me all the prerogatives, and my government cannot stand without them." They might then answer as the Right Hon. Gentleman answered now. "Let your Majesty's Ministers act rightly, and they would not want this patronage." With regard to the persons holding the great offices in the household at present, was it thought that their loss would be irreparable? Would it be a great public misfortune for them to be changed, that they were to have their places secured to them? He did not mean to speak disrespectfully of the present officers of the household, but he was confident, that there might many be found among the young nobility, many qualified to fill every one of their places.

What were the qualifications to make an officer of the Court?—Good manners, politeness, breeding, and some degree of personal dignity; to fill an office about the Court, it was not necessary to serve an apprenticeship to it, like as to an art or a craft. An officer of the Court, might be said, generally speaking, to be like a poet *nascitur non fit*. His situation might proceed oftener from his birth than his education. There were, therefore, many persons capable of it, and as to the change of the household giving his Majesty pain, when he recovered, if it should give him a moment's uneasiness, it could be remedied immediately. No mischief could possibly arise from it.

His Lordship pursued this train of reasoning for some time, and at length addressing the Chairman by name, said, "You, Mr. Watson, as a man who have been engaged in mercantile and commercial concerns, have often heard, no doubt, of a maxim of trade, which I heard of early in life; it was this: *take care of the pence, and the pounds will take care of themselves*. The meaning, his Lordship said, he conceived was, take care of small things,

things, and they will enable you to secure the greater objects. But it was said, it would secure the services of the present Ministers. That was undoubtedly a great object, but even gold might be bought too dear; and if a great rule of government was to be sacrificed to any Ministers, he should be of opinion, that Parliament and the public paid a very dear price for them. His Lordship concluded with declaring, that he had delivered his firm testimony against the idea of its being right, to separate this patronage of the household from the person that held the situation of the King.

Mr. Grosvenor approved of the clause, declaring, that the greater part of the noble Lord's argument went to opposing the whole of the clause; the noble Lord had said, all the powers of the Crown were necessary; he admitted it was true that they were so, but the Committee ought to remember, that they were not going to make a King but a Regent. *Mr. Grosvenor* declared he had very deliberately considered the whole of the system contained in the Bill, and was convinced, that the entire conduct of the Right Hon. Gentleman, and every part of his system, had been wise, distinct, discreet, prudent, and loyal. Had there remained in his mind any doubt upon either, that doubt would have been effectually removed by a speech, which he had heard from a Right Hon. Gentleman, who filled the chair, and who had, on one of the days in the Committee on the State of the Nation, delivered his sentiments from the Treasury Bench. Sounder argument and better reasoning, *Mr. Grosvenor* declared, he had never heard from any Member of that House. Every sentence the Right Hon. Gentleman had delivered, tended to strengthen and confirm him in the opinion, that, the steps taken by the two Houses, in the arduous conjuncture, occasioned by his Majesty's unfortunate illness, were legal and constitutional.

General Norton desired, in a few plain words, to shew, why the Lord Chamberlain, Lord Steward, and the Master of the Horse, with the Lords of the Bedchamber, were the political servants of the Crown, and not the mere domestics of the King. The General stated the nature of their duties, which chiefly consisted in making a part of the pageantry that surrounded the King on public occasions. He declared, he thought those great officers, under the present unfortunate circumstances of his Majesty, contributed neither to the service nor to the comfort of the Sovereign, because they could have nothing to do near him. If it could be proved, that they could, in any shape, add to his ease, or afford his Majesty the smallest degree of comfort, he was sure the public would cheerfully be at the expence of providing a new household for the Regent.

Mr.

Mr. Wilbraham observed, that it had been well said by a Right Hon. Gentleman last Friday, that the whole House of Brunswick were excluded from the present Bill. It was, he said, a most unaccountable exclusion. He declared he saw no reason why her Majesty should be the sole *Committee* of the King's person. He thought, that the Prince ought to have been joint Committee with her Majesty, and that would have removed much of the objection that the clause was liable to. But if it were deemed improper, that the Prince of Wales should have any share in the custody of his Majesty's person, what had the Duke of York done, that he should not have been named jointly with her Majesty? He asked, whether the Duke of York had given such proofs of his want of zeal for his father, or such proofs of his want of filial affection, that he deserved to be passed by. *Mr. Wilbraham* also asked, why the two brothers of the King, the Dukes of Gloucester and Cumberland had been wholly unnoticed in the Bill? he spoke particularly of the Duke of Gloucester, who he described as having withdrawn himself from the politics and pleasures of this dissipated town, and given way, in seclusion and in private, to the affliction with which his Royal Highness's mind was overwhelmed, in consequence of the melancholy malady with which his Royal Brother was afflicted.

Mr. Keene said, the noble Lord in the blue ribband had so ably argued against the clause, that he had left him but little to say on the subject. *Mr. Keene* stated the number of officers in the household, declaring, that they amounted to nearly one hundred and fifty; that many of them had places from eight to twelve hundred a year, up to sixteen and eighteen hundred a year; that several had places of four and five hundred a year, and more still from sixty pounds a year to a hundred, a hundred and fifty and two hundred. He spoke also of the influence arising from other circumstances in the household, and particularly exemplified the duty and the patronage of the Lord Chamberlain, in order to prove, that he was an officer of state, and an officer possessing great weight and influence. When a foreign minister left this country, he stated what the Lord Chamberlain's duty was, and in a variety of other instances, thereby proving, that he was an officer absolutely necessary to be about the person of the King, or his Representative. Among the instances of his patronage, he spoke of the appointing the King's Chaplains, a favour often conferred on Members of that House, by the nomination of their friends and relations, &c. &c. the appointment of the Exchequer Officers, the Yeoman of the Guard, the Gentlemen Ushers, and many other descriptions of persons.

The *Chancellor of the Exchequer* rose to say a few words to what the Hon. Gentleman had said, and which would, he stated also, comprize an answer to what the noble Lord had said formerly

merly, and had then repeated. Did Gentlemen really think, that they could not invest the Regent with Royal Dignity, but by depriving the King of every sort of dignity whatever? The grounds of objection to the clause were now stated to be, that of parliamentary influence, a ground, which we would venture to say it, was wholly unusual to take broadly and openly in that House, because, whatever might have been Gentlemen's private opinions respecting that peculiar kind of influence, it never had been avowed to be necessary to government, till the Lords had thought proper to avow it that day.

When it was said, that it was necessary to keep up the state and splendour of the Regent, by decorating him with those external marks of the Royal Dignity, ought not the King's dignity, to be kept by such marks? Ought they, in the earliest moments of his Majesty's illness, to be eager to strip him of every mark of dignity, in order to deck out the Regent with unnecessary powers? Mr. Pitt contended, that they ought not, but it was their duty to manifest that they had not forgot the respect and reverence to a Sovereign, who had, throughout his reign, proved himself the father of his people. He said, Gentlemen were aware that it was intended, at a fit opportunity, to provide for the Regent such an establishment, as should be adequate to distinguish him with a degree of state and dignity, which the exalted situation he was to fill, rendered necessary for the honour of the nation..

Lord North said, the Right Hon. Gentleman seemed to have reduced them to the alternative of giving the Regent the government of the country, without any part of the splendour, that of right belonged to the Royal Authority, or that the public was called on to bear the burthen of providing a new additional household for the Regent, an expence which the public thought, perhaps, it had already provided for.

His Lordship contended, that the true way of supporting his Majesty's dignity, was by supporting that of his Representative. With regard to the Hon. Gentleman's charge against him, on the ground of his having avowed, that the Regent ought to have the patronage of the household, for the sake of the parliamentary influence that accompanied it, his Lordship declared he had avowed no such doctrine, but had said, that the patronage of the household certainly gave some general influence, and that was necessarily parliamentary.

Mr. Marsham said, he always rose with reluctance, but on the present occasion it was his duty to trouble the House with a few words, after the manner in which the Right Hon. Gentleman had delivered his sentiments. Mr. Marsham said, he would affirm that there were Members of Parliament under influence. He reminded the Committee how often they had attempted, by
various

various Bills, to prevent persons holding places, from having seats in that House, and said it was no reflection on the persons so disqualified. He instanced the Excise and Customs, in which every person enjoying a salary of four or five hundred a year, was, by Act of Parliament, rendered incapable of a seat in that House.

With regard to the influence resulting from the patronage of the King's household, if the Right Hon. Gentleman would add to it the weight of influence arising from the Members of the two Houses holding places in the household of the Queen, and would put the parliamentary influence of the two households together, he would find, that the number would be nearer sixty than thirty. He was one of those, Mr. Marsham owned, who had gone with one of the Restrictions, and that was the Restriction that prevented the Regent from making Peers. He thought that, under the present circumstance of the temporary illness of his Majesty, a very right restriction.

With regard to the imposing an additional burthen on the people, by establishing a new household for the Regent, he declared he ever should oppose such a proposition. He reminded the Committee of the unexampled amount and weight of the taxes at present, and spoke in terms of great praise of the patience with which the people bore them. He asked, if there ever had been, in that country, a war concluded without a single tax being taken off? Most assuredly there had not. Why then should the people be additionally burthened, when there was an useless household existing already, at least as far as regarded the great officers of it, who were officers of state merely, and never made use of, but when the King came to Court, and appeared in all his splendour? Points of view in which he could not be seen at present. Mr. Marsham conjured the Committee, in terms of great solemnity and earnestness, to manifest a wish not to insult the sufficiently loaded people, and take advantage of their laudable patience under the burthens they had already sustained.

Mr. Powys wished to enter his protest against the proposition stated by the Right Hon. Gentleman, declaring, that he would oppose the Motion for a new household, whenever it should be brought forward. Mr. Powys followed the same train of argument as Mr. Marsham and other Gentlemen had taken, with regard to placing the great officers of the King's household about the person of the Regent.

Mr. Sheridan said, if the Right Hon. Gentleman was in earnest in his proposition, they might effect a division in the household, as proposed by the noble Lord near him. Mr. Sheridan remarked, that while the Right Hon. Gentleman was throwing out jealousies and insults against another person, he was assuming the highest degree of confidence to himself, by expecting, that it was to be believed implicitly, that he would
make

make no use of the parliamentary influence he was providing to support him when out of office.

The Right Hon. Gentleman, he observed, had termed the Lord Steward, the Master of the Horse, and the Lord Chamberlain, on a former occasion, the *menial* servants of the King, like those to be found in the families of most noblemen. Was there, Mr. Sheridan said, any truth in this comparison? Had the menial servants of noblemen any public duties, and would it be contended, that the great officers of the household had not very high and important public duties? These were, and had ever been, considered as the great officers of the Crown, and that they had been so deemed, was evident from an Act passed in Henry the Eighth's reign, to which he referred. Having read the extract, Mr. Sheridan took notice of Mr. Grosvenor's declaration, that the House had not, *thank God*, a King to make. He said, was he not aware that the Hon. Gentleman was a friend to the monarchy, he should have thought *that* the language of a republican, who wished to shake the monarchy, and introduce another form of government.

Under the idea of affection to the King, they were endeavouring to subvert the Royal Prerogatives; let those Gentlemen separate the personal idea of a King from a monarchy, and they would see what a blow had been aimed at the monarchy. Was it nothing, he asked, to have been without the representative of a King for almost four months, during which time the arm of government had remained dead and inanimate. The Right Hon. Gentleman having represented his Majesty as destitute of dignity, unless he had the white staves with him, Mr. Sheridan said, was a libel on his Majesty's feelings as a father and a King, and argued, that he was destitute of the dignified sentiments that ought to inspire the one character, and the tender affection that should fill the breast of the other.

If his Majesty reigned in the hearts of his people, and it was true that he did so, it was, he contended, the less necessary that his calamity should be contrasted with the appearance of grandeur, an ostentatious parade be made of disease, and the melancholy situation of his Majesty be rendered indeed more public and more distressing. Mr. Sheridan reprobated the idea of gorgeously decorating the bed of sickness, and loading it with regal trappings, the more mortifying to expose the wretched state of a sick King. He condemned the idea of the Queen's having the power to change the officers of the household in her own name, observing, that they had all been appointed in his Majesty's name. If it was so necessary to keep the Household remaining, the places ought, Mr. Sheridan contended, to be put in a state of suspension and abeyance during the continuance of his Majesty's
unhappy

unhappy malady, and the words "salary, profits, and emoluments," left out of the clause.

He spoke of the indecency of the officers of the household coming down to that House and voting their own salaries, when they were conscious it was not likely for them to be called upon to do any duty. He noticed the declaration of the Chancellor of the Exchequer, to make new establishments for the Regent. He asked how the Right Hon. Gentleman could dare to suggest such an idea, after having heard the declaration from authority, that the Prince of Wales desired to have no such establishment created as should cause fresh burthens to be laid on the people. Did the Right Hon. Gentleman mean not to leave the Prince the free will to refuse the establishment if offered? Had he forgot what he had heard upon the subject from his Right Hon. Friend. The Right Hon. Gentleman must, he said, have a pretty considerable share of presumption, in taking it for granted, that the King, on his recovery, would be pleased to hear that a new tax had been imposed on his people. He believed his Majesty would consider it as the most fatal consequence of his illness, if it had caused his subjects to sustain an addition to the burthens they already laboured under. After farther warmth against the clause, Mr. Sheridan concluded with declaring, that he, for one, would vote against such an unconstitutional division of power.

Mr. M. Montague, in a short but neat speech, defended the clause. Mr. Montague considered the idea of the Queen's obstructing the government of her own son as most unnatural and improbable. He spoke of the Queen's high character and moderation hitherto, and declared, that politics must be a strange science, so totally to obstruct every feeling of parental regard and maternal affection.

Sir William Dolben said, that the Regent, having the office and duties of a King, should also have the patronage of the Crown he agreed to, but not to the assertion, that the officers of the household being the political servants of the Crown. The superior officers might, Sir William thought, very properly attend the Regent; and if there were any dismissions, they ought to be in the name of her Majesty, but the supply of the vacancies should be in the Regent. He declared, he thought that there was as much patronage annexed to the Regency as ought to belong to it; he was aware, Sir William said, that there were many claimants for the loaves and fishes, that some would faint by the road side, and others the Prince would be forced to send empty away; but then he would have many vacancies to fill, and more would fall in every day. Sir William concluded with declaring, that he should vote for the clause as it stood.

Mr.

Mr. Slaper said, a few words against the Chancellor of the Exchequer's proposition.

Mr. Burke then rose, and began with observing, that the House was almost exhausted, and that his power of engaging their attention was almost exhausted likewise, though the subject was by no means exhausted; he would therefore for the present only say a few words on the astonishing assertions of the Right Hon. Gentleman. To justify that panegyrick on the Sovereign which the Hon. Gentleman had pronounced; he was called upon to bring him forth as a Pageant, dressed up with useless splendour and degrading dignity, to serve the purposes of ambitious men. The Right Hon Gentleman had said, would they strip the King of every mark of Royalty, and transfer all the dignities of the Crown to another person? No, God forbid, when the person wearing the Crown could lend a grace to those dignities, and derive a lustre from the splendour of his Household. But did they recollect that they were talking of a sick King, of a Monarch smitten by the hand of Omnipotence, and that the Almighty had *hurled him from his Throne, and plunged him into a condition, that drew upon him the pity of the meanest peasant in his kingdom.*

Mr. Burke was most violently called to order by the other side of the House. The *Marquis of Graham* rose with some warmth, and said, the Right Hon. Gentleman, nor no man in that House, should dare to say, the King was *hurled from his Throne.*

There being a very general cry of *take down his words*, *Mr. Burke* rose again, and, as soon as he had obtained a hearing, said, he would give Gentlemen a full opportunity of taking down his words. He declared he had been interrupted in the midst of a sentence, and that scripture itself, so maimed and mangled, might be rendered blasphemy. But when it was said in their churches, that the King was afflicted for their sins, should it not be said, that he was struck by the hand of God. At a time when they were putting up their prayers in their temples to Heaven, to restore their King, prostrating themselves before the Deity, and declaring that it was in punishment of their iniquities, the Sovereign was taken ill, (which, he thought, had better not have been said) should he not have liberty to declare, that Omnipotence had smitten his Majesty. His illness was caused by no act of theirs; but ought they, at that hour of sickness and calamity, to cloath his bed with purple? Ought they to make a mockery of him, putting a crown of thorns on his head, a reed in his hand, and dressing him in a raiment of purple, [A cry of *Oh! Oh!*] to cry "Hail! King of the British!!!"

After a good deal of warm declamation, *Mr. Burke* proceeded to argue the clause. He censured, in strong language the idea of giving the powers of the Crown to one person, and its patronage

to another; at a moment like that, every precaution, he said, should be taken to preserve the safety of the Constitution, and the lustre of the Royal Dignity unimpaired; but was that the way to effect it? As the Right Hon. Gentleman had planned the business, the Government would be weak, enervated, and altogether destitute of dignity; there would be no mark of Royalty about the Regent for foreign Ambassadors to observe, and thence the country would stand degraded, and sunk in the eyes of all Europe; and however we might pass it over, and put up with the inconvenience among ourselves here at home, the impression given of our Government abroad was highly material.

He asked, how would the King, on his recovery, be pleased at seeing the patronage of the Household taken from the Prince of Wales, his Representative, and given to the Queen? He must be shocked at the idea, unless they supposed, what it was unnatural and monstrous to suppose, that the King was a good husband, and a bad father.

An Hon. Gentleman, he observed, had said, they were not going to make a King. He was afraid they were. It was meant that the person who should represent his Majesty, should not have the attendance that ought to accompany Royalty.

When, he asked, had such a project been ever before practised as a separation of the Royal Dignity from the regal office? He put the case of a minor King, of seventeen years of age, and said, in that case, the Regent had been provided and invested with all the Royal Dignity of a King.

He referred to the Regency Bills in the reign of George the Second, and the Regency Bill passed in the present reign, and argued from both, contending, that in both the full powers were given. He contended also, that the Royal Family were noticed in each, whereas they were totally excluded from the present Bill, and power of an enormous magnitude was taken out of the hands of the King's eldest son, and put into the hands of a person not of his Majesty's blood.

The Regent, he said, was tied up from making Peerages; he was debarred from granting Pensions and Offices; he was restrained from exercising Charities, bestowing Bounties, or doing any one grateful office that served to balance against the dreadful attributes of Sovereignty. Where was he to get money to distribute bounties? Was he to take it out of his own privy purse, or the receipts of the little paltry Duchy of Lancaster?

He observed, that to the Queen, that House proposed to be prodigal; to the Heir Apparent, they had not given the least dignity in the world. What were they then doing? They were
about

about to give a mock crown, a tinsel robe, and a sceptre from the theatre, lackered over and unreal, and, at the same time, they rendered it necessary to tax the people, so that the Prince's name should never be mentioned, without some recollection that should excite unpopularity. The Right Hon. Gentleman, Mr. Burke said, was to have 300,000*l.* influence when he went out. The Right Honourable Gentleman thought the Prince might do without influence, although he knew he could not do without it himself.

In former times, Mr. Burke said, the way to popularity was, by standing up in defence of the liberties of the people, but the Right Honourable Gentleman was born for the age in which he lived; he took another road; his first object was, by some means or other, to get Court favour, and having obtained indirectly a degree of power, he thought to gain popularity afterwards if he could.

Mr. Burke threw out much personality against Mr. Pitt, charging him with having contrived the Bill to fortify himself when out of office. He contended that the separation of power from royalty, must destroy the representation of this country, or the Queen's Government must destroy the Regent's.

His Majesty, he observed, might continue ill for twenty years, and then he would have Gentlemen to recollect, what a state of anarchy, disunion, and difficulty, the divided Government they were setting up would create. By depriving the Regent of the power of making Peers, they had shut the door of the House of Lords against the people. They had put it out of their own power ever to correct their error, and made the House of Lords the great, independent, and omnipotent branch of the legislature.

Mr. Burke denied again that there was any intention of shewing the least mark of disrespect to the Sovereign; but under the present melancholy inability of his Majesty to exercise the Sovereign Authority, they ought not to substitute a mockery, a shadow, an ideal form, calculated only to be the puppet of those ambitious persons who created it; but that authority should be vested, where it could be duly supported, in order to give that energy and effect to the Government of the kingdom, which was so necessary for its welfare and support.

He went over the whole ground of objection to the Bill with wonderful fluency and ability, in the course of his speech expressed many noble sentiments in most elegant and pointed language, and at length sat down with repeating what he began with.

The

The *Chancellor of the Exchequer* observed, that the Right Hon. Gentleman seemed rather to have addressed him personally, than to have argued against the clause, and seemed to think, his going out of office of more importance. He had charged him, (he said) with telling the House, that he was going out of office. He had not done so, nor did he know that he was to do so. So far from having said so, a Right Hon. Gentleman, not then present, (Mr. Fox) had, on an early day, told him, in a way peculiarly marked, that he and his friends were to be his successors; when he had, in reply, stated, that from the opinion he entertained of the principles of those who, it was said, were to be his successors, that he thought it more necessary to pursue the system of measures that he was recommending, and had made that very declaration an argument in support of the measures themselves? Whether he staid in or went out, he would endeavour to be useful to his country. The Right Hon. Gentleman had said, that he (Mr. Pitt) was to have a connection in the power to be lodged in the Queen's hands. This he denied. He said, that instead of 300,000*l.* the sum which had been mentioned, the salaries paid to the noble Lords alluded to, amounted to little more than 200,000*l.* one half of which consisted of the approved bills of tradesmen, and which had no connection either with political or parliamentary influence. The influence arising from bills paid to tradesmen, &c. he considered as nothing. He defended himself from having, in his opinion, called the Lord Chamberlain, the Lord Steward, and the Master of the Horse, the *menial* servants of the Crown, and said, it was the very term bestowed on those Officers by the Right Hon. Gentleman in his own bill, for reform in the Civil List. He then dwelt with uncommon fervor on the loyalty and attachment of the people, which, he said, made in truth all state attached to the person of the Sovereign unnecessary; but which still, regardless of trifling expences, forbade any part of that expenditure to be subtracted. Mr. Pitt asked if that House would so far forget their duty and their allegiance, as to strip his Majesty of every mark of royalty and of dignity, in order to give that which belonged properly to their rightful sovereignty to the Regent? He asked if there was no other way of providing for the Regent, and added, at a fit time that establishment would be proposed. He was persuaded, when it should hereafter be necessary to submit to his Royal Highness, that Parliament had thought an establishment proper, neither his Royal Highness would object to it, nor would the people murmur. He intimated a censure on the mention which had been made in this business, of the name of his Royal Highness. Such a mention, he said, could not properly be made until the Prince was previously in possession of the disposition of the two Houses of Parliament.

Mr. Sheridan said, the Right Hon. Gentleman had, in a very extraordinary mode, perverted his argument. The Right Hon. Gentleman had formerly said, that he would, at a future time, answer the arguments of Gentlemen, and that they would have abundant opportunities of discussing every part of the subject; but since the Bill had come on, the Right Honourable Gentleman not only never mentioned any of those arguments, which he had formerly reserved, as it were, to answer at a future time; but when new matter was advanced in debate, had dryly declared, that nothing had been said, but what they had before heard, and, therefore, he would not take up the time of the House by a reply. This was a pleasant way of avoiding to combat arguments that could not be answered. He took notice of *Mr. Dundas's* declaration of Saturday, that he lamented his Right Hon. Friend's absence, and informed the Committee, that his Right Hon. Friend's health was greatly better, and that he had been very near being present at that debate, having been struck with astonishment at that most extraordinary clause of the Bill, that provides for his Majesty's resuming the Royal Authority.

With regard to the sum of 300,000*l.* which his other Right Hon. Friend had said, was the amount of the patronage of the Household, the Right Hon. Gentleman over the way had denied, that it amounted to so much; but the Committee would recollect, that the Right Hon. Gentleman had, that evening, told them first, that it amounted only to 100,000*l.* a year; and, in his last speech, he had acknowledged that it amounted to 200,000*l.* a year. The Right Hon. Gentleman had said, that more than one half of that sum consisted of the approved bills of tradesmen, and which had nothing to do with parliamentary influence. He denied it. Was there never any such thing as a Westminster election? Would the Right Hon. Gentleman, with the Orange cape to his coat, take upon him to declare, that no parliamentary influence could be exercised through the medium of the tradesmen of the Household at such an election? He contended, that at an election, and various other ways, influence would result from the tradesmen's bills, as well as from the Officers of admitted importance in the Household. With regard to the latter, the case, he said, was clear; for to whom were those persons to look for the maintenance of their situation, but to those who conferred their situations on them?

Mr. Sheridan said, he should move an amendment, to fulfil the idea of the noble Lord near him, of separating those Officers of the Household, who were merely Officers of State. *Mr. Sheridan*, with this view, moved to a degree of power, he thought to gain popularity afterwards if he could. He charged the Minister with having contrived the Bill, in order to fortify himself when
out

out of office. He contended that the separation of Power from Royalty, must destroy the representation of this country, as the Queen's Government must destroy the Regent's. His Majesty, he observed, might continue ill for twenty years, and then, he desired Gentlemen to recollect, what a state of anarchy, disunion, and difficulty, the divided Government they were setting up would create. By depriving the Regent of the power of making Peers, they had shut the door of the House of Lords against the people. They had put it out of their own power ever to correct their error, and made the House of Lords the great, independant, and omnipotent branch of the Legislature. In most forcible and elegant language, Mr. Sheridan, before he sat down, recapitulated his argument, and expressed himself strongly against the Bill.

The amendment was read by the Chairman.

The *Chancellor of the Exchequer* objected to the amendment, as being of too undefined a nature.

Mr. Sheridan said, undoubtedly another clause would be necessary, which he meant to move at a proper time, and nothing would be more easy, than to refer to the Civil List, and from that specify such Officers of the Household, as would be proper to put under the controul of the Queen, because they would be necessary attendants on the King's person. He observed, that the preamble of the clause naturally led to such an amendment as he had proposed; and as an argument in proof of its propriety, remarked, that by the Bill, the Queen having the power of appointing and discharging the Officers of the Household, they would be her Officers, and not the King's; and, as she was not obliged to fill up vacancies, though she had the power of doing so, great inconveniences might arise, in case of her not filling up vacancies. Suppose, for instance, said *Mr. Sheridan*, the Office of Lord High Steward should be vacant, and the Queen were not to fill it up, who would there be to swear in a new Parliament, if a new one should be called?

The *Chancellor of the Exchequer* said, the question was easily answered, if one Lord Steward should die, or be dismissed, the Queen would, undoubtedly appoint another; or, if there should be no Lord Steward, there would be no great difficulty in swearing in a new Parliament.

Mr. Sheridan replied.

The Committee being extremely clamorous for the Question, *Mr. M. A. Taylor* called on the Chairman to preserve order; if Gentlemen were impatient and fatigued, it was easy to move an adjournment.

Mr. Burke rose, but the House was still very clamorous.

Lord George Cavendish said, he ever considered the Officers of the Household to be Officers of State, attached more to the dignity of the Crown, than to the person of the King. He objected to the appointment of a new Household, as an unnecessary expence. He thought the Officers of the Household ought to attend the Regent, and add to his state and splendour; and, if they did not, they ought not to receive their salaries during the King's illness, because, at present, they could have no employment, but were a parcel of unnecessary Officers, who were now fattening like drones in a hive.

The Committee at length divided on Mr. Sheridan's amendment.

Ayes	118
Noes	173

Majority 55 against the amendment.

The Question was then put on the original cause and carried.

The Chairman was then desired to report Progress, and ask leave to sit again, which he did, as soon as the House was resumed.

The House rose at half past Twelve.

TUESDAY, FEBRUARY 10.

HOUSE OF COMMONS.

REGENCY BILL.

THE *Chancellor of the Exchequer* moved the order of the day for the House resolving itself into a Committee of the whole House, on the further consideration of the Bill for providing for the safety of his Majesty's person, and for the exercise of the Royal Authority.

The

The order of the day being read, and the House resolved into a Committee accordingly, Brook Watson, Esq. in the Chair, the following clause was read :

“ *And whereas* the execution of the weighty and arduous trusts hereby committed to the Queen’s most excellent Majesty, in respect of the care of his Majesty’s Royal person, and of the disposing, ordering and managing of all matters and things relative thereto, may require the assistance of a Council, with whom her Majesty may consult and advise in the discharge of the same : be it therefore enacted, by the authority aforesaid, That, in order to assist and advise her most excellent Majesty, in the several matters aforesaid, there shall be, during the continuance of his Majesty’s illness, a Council consisting of

“ Which Council shall, from time to time, meet as her Majesty shall be pleased to direct ; and if it should happen that any of them the said

“ should depart this life, then, and in such case, it shall be lawful for the Queen’s most excellent Majesty, by an instrument in writing, signed and sealed by her Majesty, revokable at her will and pleasure, to nominate and appoint some one person, being or having been a Member of his Majesty’s most Honourable Privy Council, to be a Member of the said Council, to advise and assist her Majesty, in the room and place of each and every of the said Counsellors so departing this life ; which nomination and appointment shall be forthwith certified by an instrument in writing, signed and sealed by her Majesty to the Lords of his Majesty’s most Honourable Privy Council, and shall be entered in the books thereof.”

QUEEN’S COUNCIL.

The *Chancellor of the Exchequer* again rose, for the purpose of proposing to fill up the first blank, with the names of such persons as the House might think proper to appoint to assist her Majesty, in the trust appointed her for the care of his Majesty’s person. It would, he said, be necessary to put the question singly on each person proposed ; but, for the satisfaction of the House, he would, previous to his putting any single name, submit to the House the whole of the names he meant to propose to fill up the blanks. He meant to propose the heads of the different departments over which her Majesty was to have controul ; those persons, he had no doubt, would be admitted to be exceedingly proper ; but as it might appear necessary to have other great and im-

portant persons to assist her Majesty, it was natural to look to the heads of the church and the law; the persons he should therefore have to submit to the Committee, as proper to be of her Majesty's Council, were the two heads of the church, the Archbishops of Canterbury and York; and the heads of the law, Lord Thurlow (the Lord Chancellor) and Lord Kenyon, (the Chief Justice of the King's Bench); these persons, in addition to the respect of their high situations, had been approved by his Majesty, and no persons, he conceived, were more proper to be appointed of her Majesty's Council, than those who had been approved of by his Majesty for their ability, and for their integrity. In addition to those respectable persons, he should have to offer the four Officers at the head of the departments of the Household for the time being, the Lord Chamberlain, the Lord Steward the Master of the Horse, and the Groom of the Stole; the first motion, therefore, that he had to make to the Committee was, "That John, Lord Archbishop of Canterbury be one of her Majesty's Council."

The Question being put,

Lord North rose, not to oppose the nomination of that respectable Prelate as one of her Majesty's Council, but to do a thing of great importance. He had expected, that on opening the subject, the Right Hon. Gentleman would not have omitted those who were nearest in blood and affection to his and her Majesty. If the House should agree with him, that an insertion should have been made of the Princes of the blood, he would make such a motion. His Lordship spoke of the propriety of naming his Majesty's sons, the Princes who were of full age, and their Royal Brothers. They were the nearest his Majesty, and the persons, he should think, that her Majesty would chuse to have for advisers. His Lordship said, there were several reasons why the Princes of the blood ought to be of the Queen's Council. It was, He observed, a Council not to controul, but to advise her Majesty. The clause, he said, also provided for the death of the person properest to have the care of his Majesty, in which case the power was to devolve on her Council. This his Lordship considered as an additional reason, to mix some of the Princes of the blood in the Council.

His Lordship remarked upon the different modes proposed to appoint her Majesty's Council, four being appointed by name, and the other four by virtue of their offices, in which last manner, he contended, they all ought to have been appointed. With respect to those proposed, the persons themselves were proper; but why should the Hon. Gentleman think a Groom of the Stole, a Lord Chamberlain, a Lord High Steward, and a Master of the Horse, were Counsellors by virtue of their offices. His Majesty had certainly appointed Viscount Weymouth to the first of these

these offices, he had given a Lord Chamberlain's staff to the Earl of Salisbury; a Lord Steward's staff to the Duke of Chandos; and made the Duke of Montague Master of the Horse; but did those appointments peculiarly qualify them for Counsellors? Seeing, therefore, no reason that could be adduced against the insertion of the Princes of the Blood, he gave notice, that when the persons proposed by the Right Hon. Gentleman should be disposed of, that he would move for the insertion of the names of Frederick Duke of York, and the other Princes of the Blood.

The *Chancellor of the Exchequer* said, that he should, for the present, refrain from stating his objections to the noble Lord's proposition; when the motion should be made, he would state the reasons why he conceived it to be improper.

Mr. Dempster declared himself not satisfied with the nomination; considering the Members of that House as much interested, and as ardently wishing for the recovery of his Majesty as any courtier, he was amazed, that the Speaker of that House, and the Lord Mayor of London, for the time being, should have been omitted, and signified his intention of proposing the insertion of those Officers.

Lord Maitland said, the omission of the Chief Justice of the Common Pleas was very extraordinary. In whom, he asked, had his Majesty placed greater confidence? He suspected that the Right Hon. Gentleman was influenced by politics in the choice of persons to fill her Majesty's Council; such a conduct, on the present question, he considered to be disgraceful to the two Houses, and hoped they would not be influenced by such considerations: He called upon the Right Hon. Gentleman for the reason of omitting the Chief Justice of the Common Pleas, and for appointing the Archbishops of York and Canterbury, and the Lord Chancellor, and the Chief Justice by name, and the other four officially.

Sir Peter Burrell wished to know, as there were but eight Counsellors provided for her Majesty, whether she was to have the casting vote? He also wished to know why four of the Council were to be permanent, and the other four left to the nomination and removal of her Majesty.

The *Marquis of Graham* said, in answer to Sir Peter Burrell, that this was a Council of Advice, and not of Controul. That the Queen needed no casting vote, and it was at her option, whether she would take or reject the advice her Council gave her. In answer to the proposition for introducing into the Council the Princes of the Blood, he said, there appeared to him a clear line for their exclusion; they were so connected with that Great Personage, by the ties of affection, that they would be, at all times, ready to give their advice; and they could give it without responsibility, it would, therefore, be improper to appoint them

them to responsible situations, making them liable to be brought to the bar of that House and examined, when other persons of great ability, and learned in the law, could be found to occupy those responsible situations.

In answer to the proposition for admitting the Chief Justice of the Common Pleas, he said, he knew not where they were to stop, if every man wise and great enough for this Council was to be a member of it; if they did so, they might appoint more members for such a Council than formed the House of Commons. The Marquis, in the course of his speech alluded to Mr. M. A. Taylor, by saying, he knew not whether he was still to call him the learned Gentleman, since he understood he had quitted his profession. Having heard no argument that convinced him of the impropriety of his Right Hon. Friend's proposition, he should give it his support.

Mr. Sheridan considered the proposition of the Right Hon. Gentleman as unnatural and unprecedented. It had been urged by the noble Marquis, that the Princes of the blood could give their advice to her Majesty without being appointed of the Council; but their advice, however good, might be lost, because they were not of the Council, without the Majority of which her Majesty could not act upon the most important occasion, the restoration of his Majesty to his government. It could be no degradation to the Princes of the blood, he said, to be put into a responsible situation, when the first Prince of the blood, the Prince of Wales, was appointed to a place of great trust and responsibility. He considered her Majesty's sons and the King's brothers to be her most proper and natural advisers, and deprecated the measures proposed by the Right Hon. Gentleman, as tending to cause Parliament to infuse into her Majesty a suspicion, that her sons were not the proper persons to counsel her, which was an outrage on the feelings of nature. He concluded by hoping, that the noble Lord's proposition would be agreed to, and that the House would not go along with the Right Hon. Gentleman in objecting to the insertion of the names of the Princes of the blood.

Mr. M. A. Taylor objected to the four Members of the household being Members of the Council. Mr. Taylor said, he had no exception to Lord Thurlow's being one of the Council, but he objected to his being appointed by name, thinking, that it ought to stand the Lord Chancellor, for the time being. He objected to the Lords of the household, because they were under the nomination of the Queen, who ought to have independent advisers; the Lords of the household, he said, could not be independent advisers, being removeable at the Queen's pleasure. He declared, he wished the blank to be filled up with the names of the Lord Chancellor, the Chief Justices of the King's Bench
and

and Common Pleas, the two Archbishops, and the Speaker of the House of Commons, for the time being. He wished success to the noble Lord's proposition for including the Princes of the blood, considering them the most natural, the most proper, and disinterested advisers of her Majesty, and declaring, that he did not believe the Royal Family had ever been left out of a Regency Bill before. He declared he should conceive himself ill-treated, if he was the second son of a Gentleman (whether born to a Throne, to a fortune, or none, it did not alter the argument) and he were not, under such circumstances as those of his Majesty's indisposition, called in to take his share of the care of his father. He considered it as impossible, that a son should be so base as, under such circumstances, to give his mother wrong advice. Whether he had left his profession or not, he said, he was still entitled to the address, which was usually made in that House to men of the legal profession. He insisted, that no responsibility whatever attached to the Counsellors of the Queen, the Constitution knowing of no such Council.

Col. Phipps considered the persons named by his Right Hon. Friend, to be the most proper to be appointed of her Majesty's Council, four of them being to be permanent, having been chosen by his Majesty for their ability and integrity, and by himself placed about his Royal person, and the other four removeable by her Majesty at her pleasure. He wished to know upon what principle her Majesty was to be deprived of the choice of her own Counsellors, and contended, that if the House agreed to suffer a Lord Chancellor for the time being, who was to be appointed by the Regent, to be of her Majesty's Council, that the trust reposed in her would be a mockery, and they would reduce her Majesty to have no advisers at all, or to have the advisers of the Regency.

The Chairman called the attention of the Committee to the question before them, which was, whether John, Lord Archbishop of Canterbury, should be appointed a Counsellor to her Majesty.

The *Chancellor of the Exchequer* said, he believed the worthy Alderman was right in the point of order; but as the true object of order was to save time and shorten their proceedings, perhaps it would be most advisable to go into the whole subject at once. He conceived, that it would be strictly orderly, if the noble Lord thought proper, to propose, at present, to name the Duke of York, and move to postpone the name of the Archbishop of Canterbury, that would bring the whole subject under discussion.

Lord North said, he was willing immediately to propose the names of the Princes of the blood, and should move, that the name of the Archbishop of Canterbury be postponed, in order to move, that the Duke of York should be inserted, by which means

means the Committee could at once enter into the debate on the general formation of the Council.

Mr. Sumner conceived it improper, that the names of their Royal Highnesses should be proposed, without their having been previously consulted, especially as they had objected to their names being inserted in the Commission.

Lord North said, he should have thought himself very presumptuous, if he had proposed the names of their Royal Highnesses without having previously communicated with them on the subject, and learnt, that they had no objection to his making the Motions that he had proposed.

Mr. Sheridan said, in order to shorten the debate, would it not be better for the Right Hon. Gentleman to withdraw his Motion?

Mr. Bouverie wished to know, whether the Council were to be responsible for their advice?

Mr. M. A. Taylor said, that as no learned Gentleman rose to answer the question of his Hon. Friend, he would inform him, that according to the clause, they were not responsible.

Mr. Addington said, they were clearly responsible, being obliged to take an oath of office. If, therefore, a suspicion existed of their having given her Majesty improper advice, they would be liable to impeachment.

The *Chancellor of the Exchequer* said, they had used more time in discussing the Question of Order, than the debate perhaps would have occupied. They were then in danger of two debates going on under the form of one, perhaps, therefore, it would, upon second thoughts, be better for him to recur to his first mode of proceeding, and put the Question regularly, on the eight names he had stated, before the noble Lord's Motion was let in.

Mr. Bouverie said, the Hon. Gentleman over the way, had fairly answered his question, but he did not understand how there could be responsibility, without a power to call to account. *Mr. Bouverie* objected to the word 'John,' in the Motion, and said, he would move to have the Archbishop of Canterbury, for the time being, appointed.

Mr. Powys thought the preliminary debate useful, and asserted the necessity of considering the powers and responsibility of the Council, previous to the appointment of those who were to form it. He wished to know from the Right Hon. Gentleman, if convenient, to what manner, and to what extent, the responsibility attached to the Council.

The *Chancellor of the Exchequer* said, it was not at all inconvenient to him to give a perfect answer to any thing that was asked. No trust could be created by any means affecting the public interest, or could exist without public responsibility. According

cording to every principle of the Constitution, every trust appointed under government had responsibility attached to it to the country. Whatever advice the Council should give to her Majesty, they would be responsible for such advice; and if the House should see sufficient reason to think, that by such advice either his Majesty, or the Constitution was in danger, they had the same power to enquire who were the advisers, and call her Majesty's Counsellors to account, as they had to call on the officers of government.

The *Attorney General* said, the House might, on any suspicion of ill-advice, address her Majesty to name her advisers; that those persons were always answerable, but particularly in a parliamentary trust, and the House might proceed against them in a parliamentary way.

Mr. Bouverie asked, if the Queen could not act contrary to the opinion of her Council? and if so, he conceived, there could be no responsibility.

Mr. M. A. Taylor contended again, that there existed no responsibility in the Council; if there was any responsibility at all, it rested with the Queen, for the Law said the King, but not the Queen "could do no wrong."

Mr. Anstruther said, nothing was so clear as this: no trust can be abused, without responsibility in the persons so abusing their trust; and it was thence evident, that there could be no parliamentary trust, without responsibility being attached to it. His objection did not lie on that account against the clause, but he objected to the power given to the Queen of acting without her Council, in which case no responsibility could attach.

Mr. Burke said, the Queen was responsible as a subject, and doubly so, as a trust was given to her. He agreed that no trust could be given without responsibility; in the present instance, however, the principle was recognized and violated; for though a responsibility was avowed, there were no traces by which that responsibility was to be found. In the clauses appointing the Prince to the office of Regent, the greatest was by oath; but in the Queen's trust there was no oath, nor any trace of a trust; and though meant to stand apparently and avowedly as a trust, it was not guarded as if it were really so. This, therefore, was like what Macbeth said of the witches,

*They keep the word of promise to the ear,
And break it to the hope,*

It had been urged, that the reason for not proposing the Princes of the blood was out of respect to them; a respect which was a perpetual disqualification, like the respect of the Epicureans for their Gods. That respect was to put the Princes of the blood
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out

out of the Commonwealth, because they were the first persons in it.

In the Regency Bill of George the Second, he said, he found the Duke of Cumberland; and yet had the modern doctrine prevailed at that day, instead of suffering the Duke to go and obtain a glorious victory over the Rebels, the language would have been, "Oh, do not let him go, because he may be tried by a Court Martial for absence from duty, or some other criminal neglect." He mentioned other instances of Princes of the blood having been entrusted with situations of the greatest responsibility, and of the present Princes holding offices of trust and responsibility, and ridiculed the idea of any disrespect being offered in putting them into such situations; on the contrary, he considered it as an additional insult to the Royal Family, and as a gross disrespect to the King, that it was attempted to prevent the Princes of the blood being of the Queen's Council.

He contended, that the Bill was not calculated to shew respect to his Majesty, but to manifest an interested regard for the household in its authors, and a determined effort for the support of a faction. The framers of it had first proceeded to a violation of precedents, next to a violation of law, they then proceeded to a violation of the Constitution, and now they had arrived to a climax of violence, a violation of the law of nature. This reminded him of a line of Pope—

Star after Star goes out, and all is Night.

He added a variety of other arguments, and concluded with deprecating the clause, which, he said, went to sow dissensions in the middle of the Royal Family, to break the bonds of domestic union, and to raise the servants above their masters, who were shut out and excommunicated.

Mr. Powys said, that having, by a distinct clause, attached responsibility to the Prince of Wales, they ought to attach it to the guardians of the King's person. Mr. Powys said, he was not present when the Right Hon. Gentleman had proposed the Archbishop of Canterbury, he reprobated the nomination of the whole eight, as constituting a garbald, strange, and inconsistent monster, part being named as private characters, and part as official ones. Mr. Powys considered, that those who occupied the offices for the time being, were the proper persons to be of her Majesty's Council.

Sir R. Sutton said, that countersigning made a person responsible; by Address to the Queen to know who the adviser was, evil advisers might be come at. Sir Richard animadverted with great apparent knowledge of the subject, on former Regency Bills,

Bills, and pointed out the word *trust* in the part of the Bill appointing the Queen guardian of the King's person.

Mr. Burke said, the Queen's guardianship of the King's person was called a trust in the Bill, but it was not provided for. They had made others responsible, but they had not made the Queen responsible.

Mr. Bouverie begged pardon for being so pertinacious, but really, he did not think his question had been answered. Was the Queen to have a Council without precise responsibility? If the Queen was to ask the advice of her Council, and afterwards to act contrary to it, who could be responsible?

The *Chancellor of the Exchequer* wished the Committee to come to a decision on the Question before the House, and expressed his readiness to meet the Motion of the noble Lord afterwards.

The question was then put upon the amendment proposed, that the word 'John,' be omitted, which being negatived, the original Motion, that John, Lord Archbishop of Canterbury, be one of her Majesty's Council, was carried without a division.

The *Chancellor of the Exchequer* next moved, "that Edward Lord Thurlow be one other of her Majesty's Council."

Lord North rose and suggested the propriety of moving the names of the Princes before the question on Lord Thurlow's name.

The *Chancellor of the Exchequer* objected to postponing the Lord Chancellor's name.

Lord North again rose, for the purpose of moving the name of Edward Lord Thurlow to be postponed, that they might at once go into the debate on the propriety of inserting the names of the Princes of the blood. His Lordship wished to know, why all that were proposed to be of the Council, were not proposed in virtue of their offices, and not by name? He objected to the naming of the Lord Chancellor by name after the Archbishop of Canterbury. The Lord Chancellor was next in rank, but not Edward Lord Thurlow, Viscount Weymouth, the Earl of Salisbury, and the Dukes of Montague and Chandos were each of them of higher rank. His Lordship observed, that the determination to exclude any person of the Regent's appointment from attending in the Queen's Council, would create jealousies and suspicions, that all was not fair that was carrying on, which surmise would be prevented by introducing the Princes of the blood to the Council. His Lordship concluded by moving to postpone the name of Edward Lord Thurlow.

Mr. Dundas said, they were called on to discharge a very delicate and important duty. While their Sovereign was labouring under a critical disease, they were to place around the Queen, Countessors to advise her in the discharge of the duty, which the
Legislature

Legislature was about to impose on her. In providing for the care of the King's person, they should do it so as to satisfy the nation at large.

The question whether Edward Lord Thurlow should be of the Queen's Council, he should vote for it, because, in so doing, he consulted the safety of the King, and the peace of the Queen; if they agreed to appoint him, by virtue of his office, he might not be of her Majesty's Council two hours; might be removed from his office, and any man wearing a black gown in Westminster-hall, placed in his situation. Considering the ability, integrity, and manly spirit of the Lord Chancellor, and considering that he had, in so eminent a degree, possessed the confidence of his Sovereign, and that he now possessed the confidence of the people, he should give his vote, that Edward Lord Thurlow be one of her Majesty's Council.

Lord North replied, and said, that he greatly esteemed the character and abilities of Lord Thurlow, and would, if the motion should be agreed to of appointing the Lord Chancellor for the time being, bring in a clause to continue Lord Thurlow of her Majesty's Council, if he should be removed from his situation.

Mr. Dundas replied, but still objected to the motion being postponed.

Lord North again spoke in reply.

Mr. Hawkins Browne said, the Regent ought not to have the care of the Royal Person. Mr. Browne spoke in favour of the appointment of Lord Thurlow, and against the insertion of the words, "Lord Chancellor for the time being," on the principle of not suffering any person of the Regent's appointment to be of her Majesty's Council.

Mr. Wyndham spoke much at length in support of the arguments advanced by Lord North.

The question for postponing being put, it was negatived, and the motion for appointing Edward Lord Thurlow was carried without a division.

The other names (that of the Archbishop of York, Lloyd Lord Kenyon, and those of the Master of the Horse, Lord Chamberlain, and Lord Steward) were severally put and agreed to.

As soon as the *Chancellor of the Exchequer* had moved the eight names regularly, and the Question had been put upon each, and the Committee had decided that those eight names stand as the name of eight Members of the Council.

Lord North moved, "That his Royal Highness the Duke of York and Albany be a Member of the said Council."

The *Chancellor of the Exchequer* observed, that although the noble Lord had thought proper to make the motion, without advancing any arguments in its support, yet agreeable to his declaration,

ration, that when the proper time should come for it, he should be ready to state his reasons, why he thought it necessary to give his vote against the motion, he would proceed to state those reasons. Possibly, what he had to offer, as well as his conduct on that occasion, may be placed in the catalogue of disrespect, and added to the other imputations so unjustly charged upon him of meaning to manifest a want of due attention and regard to the younger branches of the Royal Family; be that as it might, so long as he was conscious of acting upon no other principle, than an anxious desire to discharge his duty faithfully, in a moment of great arduousness and difficulty, he should firmly adhere to the rule of conduct that he had laid down for himself, as most advantageous to his country, and as best becoming his own character, perfectly regardless of any consequences, however personally injurious they might be to him.

The first matter to be considered was, he said, the nature of the Council in question, which was to be a Council of Advice, and a Council of Advice only. It had been said to be a trust, but the trust was to advise her Majesty in the care of his Majesty's person. The noble Lord had proposed, that the Duke of York, the second son of the King, should be a Member of that Council. Perhaps the reason assigned by a noble friend of his, a noble Marquis, who spoke early in the debate, was of itself sufficient to shew, that the appointment of his Royal Highness to be a Member of that Council, would be both unnecessary and improper; his noble friend's argument remained, to that moment, unanswered. Most certainly there could be no occasion to put those Princes of the Blood, who were of course the natural advisers of her Majesty, into a responsible situation, and make them Members of a Council, who were to advise the Queen when called on so to do, and were to answer for that advice. In the common transactions of the care of his Majesty's person, her Majesty would naturally consult the persons of her own family; but when an act was to be done of a much more important nature, she would then call upon her Council, who ought to be persons disinterested in the advice they might give, (farther than as their general wishes for the restoration of his Majesty's health, which they must feel in common with the rest of his Majesty's subjects, should make them otherwise) and who would necessarily be the best able to advise her Majesty. Whatever, therefore, they might do in form, it was clear, that in the appointment of the trust, whatever the advice might be that was given, the authority to act upon should be in a single person. Another reason why it would not be right, in his mind, to name the Duke of York, was grounded on those general principles upon which it had been deemed improper to let the Prince of Wales have any concern in the care of his Majesty's person. It was the situation,

tion, and not the character of the Prince, that precluded him from being named to share in the office of the Committee of his Majesty; he who was to be Regent, ought not to have any concern with the care of the King, because, being next in succession, he was not fit to interfere with that concern. If, therefore, the Prince of Wales was unfit for such an interference, respect to him made it necessary to extend the same general principles to the Duke of York, and the rest of the Royal Family.

Lord Beauchamp differed from the Right Hon. Gentleman, and thought the Princes of the Blood the properest persons to advise her Majesty concerning a trust, in the due execution of which they were so deeply interested. It became the Committee, his Lordship said, to give a preference to those who, in point of situation, of duty, and affection, were the fittest persons to assist the Queen with their advice. His Lordship adverted to the subsequent part of the Bill, where the Council were to act in the discharge of a very great and important trust, that clause which provides in what manner they should proceed on his Majesty's recovery, and declares under what circumstances the restoration of his Majesty should take place. That, and the other House of Parliament, had taken upon themselves to pronounce his Majesty's incapacity, after a proper examination of his Majesty's Physicians, but the Bill took the more important proceeding to restore his Majesty to his Government, out of their hands, and intended to substitute that Council on this very delicate question, and that not only when Parliament was not sitting, but even during the sitting of Parliament. His Lordship dwelt on this very serious innovation on the power of the Legislature, and the functions of that House. The adoption of the other branches of the Royal Family, would, he should imagine, be most pleasing to her Majesty, and equally necessary in a public light.

His Lordship reminded the Committee, that they were to propose a Council, such as the Parliament and people of Ireland would approve, because it was to be considered, that the same Prince who sat on the Throne of Great Britain, must sit upon that of Ireland; they ought, therefore, to take the same means as the people of Ireland would be willing to adopt, and how was he, or any person sure that the people of Ireland would leave the advising of her Majesty in respect to her care of the King's person to a Council, which they knew nothing of, and which was different from all other Regency Bills?

His Lordship urged several other arguments, and said, the insertion of the other branches of the Royal Family would not make the Council too numerous, and he declared, that he did not think, without the Right Hon. Gentleman was to state stronger objections

objections against following the precedents of former ages, that they ought to be departed from. In every former Regency Bill, some of the Royal Family were included; in the present Bill, they were studiously excluded; and that without any sufficient reason, as far as he was capable of judging. His Lordship concluded with declaring, that he should vote for the noble Lord's motion.

Lord North said, the Right Hon. Gentleman had seemed to wonder that he had made the motion, without accompanying it with much argument; the Reason was his Lordship said, because he conceived he had argued it very sufficiently, when he had first risen in that day's debate; if the Right Hon. Gentleman, however, thought it wanted argument, he would state a few more reasons why he thought the Committee ought to adopt it.

The Right Hon. Gentleman had alluded to the speech of a noble Marquis, and had said it remained unanswered. The noble Marquis had said, the Queen might, if she pleased, call for the Council of the Princes, and, therefore, there was no occasion that they should be Members of the Council of Advice. The Queen might, his Lordship said, if she pleased, call for the advice of any one, or all of the eight persons named for her Council, just as much as she should call for it in their capacity of Counsellors. The Privy Council, his Lordship said, was, in a great measure, a Council of Advice. The Princes of the Blood were Members of the Privy Council, and, when they attend a Privy Council, called by the King, they attended a Council of Advice. The Council to be appointed under the authority of the Bill was, his Lordship said, not long since stated to be a Council of Advice, but afterwards to be something more, because they were to be partakers of the act of restoring his Majesty to his Government.

The Right Honourable Gentleman had said, that they should not trust the person of the King to the Successor of the Crown. That principle, his Lordship said, went too far; it was a barbarous principle, that excluded every one of the Royal Family from those Councils and that Advice. He contended, that there was not any rule that could support excluding the Successor from a Council, to consider what was best for the care of the health, and the preservation of his Majesty. The principle laid down, therefore, was a barbarous principle, carried to the height of barbarity.

His Lordship animadverted on the line of conduct, that the Bill prescribed for the Queen and the Council on the King's recovery. They were immediately, he observed, to send an account of it to the Lord Mayor of the City of London, and cause it to be printed in the London Gazette. The public, his Lordship said, he was sure would like the Queen's certificate of the

King's recovery better, if some of the Princes of the Blood were in the Council. He put the case of her Majesty's death. Should the Queen die, his Majesty would be in the hands of not one of his own Blood, a circumstance, in his opinion, extremely material to be considered.

Lord Maitland said, there was not, from the northermost to the southermost part of the island, one man that could urge a reasonable objection against his noble Friend's motion. The Right Gentleman, his Lordship observed, had said, he trusted that the side of the House on which he stood, would mention his conduct in the catalogue of disrespect imputed to him. He would not, his Lordship said, notice it as a disrespect, but as an insult to his Majesty, an insult to the Queen, and an insult to the Prince of Wales.

Was it to be believed, that the Queen chose rather to advise with the *menial* servants of his Majesty, as the Right Hon. Gentleman had thought proper to state them to be, than consult with his relations. Sure he was, that when his Majesty got well, he would look with pleasure to the Resolution of that House, which made the Prince of Wales one of his Counsellors. His Lordship spoke of the comfort every man felt in being advised by his own relations. He put the case to Mr. Pitt, who had, he said, so plentifully provided for his relations. When he looked to the Board of Treasury, when he looked to the Board of Admiralty, when he looked to the Chair of that House, he saw every proof of—

Sir James Johnston rose suddenly, and said he would not suffer the Speaker to be abused.

Lord Maitland said, the Right Hon. Gentleman would not, he was sure, consider it as an inclination in him to abuse the Speaker in what he had said; he would, therefore, pursue the thread of his argument. If he thought the Prince of Wales was wicked enough to wish to preserve the government of the country when the King grew well, he would be the last man living to suggest his being of the Council.

The Right Hon. Gentleman, his Lordship observed, when he could not produce any argument, had invented the device of calling it a question of *feeling*; if, therefore, it was a question of feeling, the question then under consideration, was a question of that nature, and he did not doubt it would revolt the feelings of all public men, when they came to hear that the Prince of Wales should have been treated with so much disregard, and so much marked insult. The Right Hon. Gentleman had said, that Lord Thurlow was a fit person to be a Member of the Council, because the noble and learned Lord was high in his Majesty's confidence. Had not his Majesty shewn as much confidence in his Royal Highness the Duke of York? Would any man so much libel her Majesty,

Majesty, as to suppose that she would not feel great comfort in the advice of her own son. There could not, his Lordship said, be but one opinion in the country, and that opinion must be, that the Duke of York, the two other Princes, his brothers, and the Dukes of Gloucester and Cumberland should be Members of the Council.

Mr. Addington much doubted, if there could be but one opinion in the country, whether that opinion was as the noble Lord had stated it to be; certain he was, that there were sufficient reasons, why that ought not to be the opinion of that House. The noble Lord in the blue ribband had declared, that he conceived the principle of excluding the Successor to the Crown from the Council, to advise her Majesty in the care of the King's person, was a barbarous principle, carried to the height of barbarity. It was, nevertheless, *Mr. Addington* said, the principle that governed the practice of the first Court of Equity in this kingdom, in all cases concerning persons labouring under the malady with which his Majesty was unfortunately afflicted. The rule was never to appoint the Heir Apparent, nor even the Heir Presumptive, to have the care of the person indisposed, but to take, as the most unexceptionable, the individual least interested in the death of that person. The Queen stood precisely in this predicament. Her Majesty, for a thousand reasons, was the most proper to have the care of the King's person, and the Prince of Wales was, for a variety of very different reasons, unfit to take any share in that concern.

The noble Lord, *Mr. Addington* observed, had said, that in case of her Majesty's death, the Council would have the care of the King's person. If the Duke of York, therefore, was to be of the Council, and the Prince of Wales were to die, the Duke of York standing then as Heir Presumptive of the Crown, would have the custody of the King's person, which would be highly improper. When the death of the Queen should happen, the Bill had provided for the circumstance. The only case in which the Queen ought to act under the Bill by herself, was in regard to the resumption clause, and the Bill especially defined what was to be the line of proceeding to be adopted. *Mr. Addington* assigned, as an additional reason, why the Duke of York, and the other Princes of the Blood, ought not to be of the Council; that their over anxious wishes for his Majesty's recovery, might make them too zealous, and induce them to pronounce that his Majesty was in a state of sanity, before his restoration to health was complete. *Mr. Addington*, before he sat down, solemnly declared, that in regard to the measures lately pursued, in consequence of his Majesty's unfortunate illness, he had acted from principle; he had maturely considered every part of the system;

he had voted upon conviction in consequence, and he felt a pride and a pleasure in having given his feeble support to his Right Hon. Friend.

Lord North rose to explain. His expression, that excluding the successor to the Crown from the Council, was pushing a barbarous principle to a barbarous extent, was not his own expression, but an expression of Lord Chancellor Macclesfield, in a similar case to the present. The Hon. Gentleman, his Lordship observed, had argued thus : “ Would you, said the Hon. Gentleman, trust the Presumptive Heir to the Crown with the care of the King’s person ? ” The Duke of York, his Lordship observed, was not the Presumptive Heir to the Crown, nor would he have, if named one of the Council, any sort of controul over the Queen. He was only as other Counsellors were, recommended to advise her Majesty when she called for that advice.

Mr. Burke rose, and there being a call from some of the Committee for the Question, he said it was natural for those who differed from the Majority to wish to be heard. The Committee had now got, *Mr. Burke* said, two principles laid down, and those as opposite to each other as light to darkness ; the Hon. Gentleman who had spoken last but one, had said, the Duke of York ought not to be of the Council, lest his too great anxiety should prompt him to pronounce the King well before he was so, and the Right Hon. Gentleman had said, the presumption was, that from the Princes of the Blood being interested, his Majesty might not be restored to his Government when his health was established, *Mr. Burke* reasoned upon these contrasted and different disqualifications, and denied that they could both be founded. He said, Gentlemen were fond of resorting to the dark and barbarous time of Henry the Sixth ; a period before our Constitution was formed. He would refer them to more modern times, to the Regency Bill of the fifth of the present King, a Bill brought into Parliament, at the instance of the King himself. In that Bill, the King was enabled to nominate a Regent, but disabled from naming any but his successor. *Mr. Burke* laid great stress on the wording of that statute, and asked whether it was right to exclude all the sons of a father from having any share in the custody of his person. He was, he said, himself a father, and the noble Lord was likewise a father. He appealed to the noble Lord, and to all fathers, how they would feel, on recovering from a dangerous and severe malady, if they found their sons had been debarred all share of the custody of their persons. For his part, *Mr. Burke* said, he should regard that man as a murderer, that had so excluded his son. He exclaimed against the times ; they were, he said, ignorant times, not barbarous, because he really thought there was enough of urbanity and softness of manners ; but ignorant, because mankind in general now drew all their

information from newspapers and magazines. The learning of this day, was bad learning, which was the worst sort of ignorance. The Right Hon. Gentleman had said, " let us have Members of the Church, and Guardians of the Laws, of the Council, and Officers of the Household." He knew not one of the persons in office, but he knew that the Queen might change the Household the next day, and new persons would be her advisers. He declared he would not vote with the Right Hon. Gentleman, but with the laws of his country.

The Question was put, and the Committee divided.

Ayes 130

Noes 177

His Royal Highness Prince William Henry, was then proposed, and the Committee divided again.

Ayes 128

Noes 176

His Royal Highness Prince Edward was negatived without a division.

The Committee divided on the Duke of Gloucester's name.

Ayes 129

Noes 178

The Duke of Cumberland was negatived without a division.

Mr. Dempster proposed the Speaker of the House of Commons for the time being.

The *Chancellor of the Exchequer* said, on every account, from friendship, affection, and consanguinity, he might well be supposed to be partial to the present Speaker of that House, but he could not agree, that he ought to be a Member of the Queen's Council. The four that had been first voted Members were the heads of the Church and the Law; and the four last were the principal Officers of his Majesty's Household; whereas the Speaker of that House was of neither description.

The Question was put and negatived.

The Lord Mayor of London, for the time being, was next proposed, and negatived on the Question put.

At length, after some desultory conversation, in which *Mr. M. A. Taylor*, *Mr. Dempster*, *Sir William Moleworth*, *Mr. Sheridan*, and the *Chancellor of the Exchequer*, took part, (and wherein the latter disclaimed the fiction imputed to him, viz, that the patronage to be reserved to the Queen was by any means dependant on him), they came to the clause containing provisions for his Majesty's being restored to his Government on his recovery.

The *Chancellor of the Exchequer* said, though they were all agreed as to the object of the next clause, yet, as from what he had heard, there was likely to be a good deal of difference of opinion about the means of attaining it, he thought it would be advisable to adjourn, and come fresh to the discussion the next day. He

only wished the Committee to understand, that it was his intention to make the Report immediately after the Committee had got through all the clauses.

The Chairman was directed to report progress, and ask leave to sit again.

The House being resumed, adjourned to this day.

The House rose at Eleven o'clock.

WEDNESDAY, FEBRUARY 11.

HOUSE OF COMMONS.

REGENCY BILL.

THE *Chancellor of the Exchequer* having moved the order of the day, and the House being resolved into a Committee, *Brooke Watson, Esq.* in the Chair.

The 26th clause was read, providing for his Majesty's resumption of the Government, which is as follows :

“ And be it further enacted, by the authority aforesaid, that
 “ when it shall appear to her Majesty the Queen, and to
 “ of the Council appointed by this
 “ Act, that his Majesty is restored to health, it shall and may
 “ be lawful for her said Majesty, by the advice of
 “ of the said Council, to notify the same under
 “ an instrument under her Majesty's hand, and signed also by
 “ the said
 “ of her Majesty's said Council, and addressed to the Lord President of his Majesty's most Hon. Privy Council for the time being, or in his absence, to one of his Majesty's Principal Secretaries of State; and the said Lord President, or Secretary of State shall, and is hereby required, on the receipt thereof, to communicate the same to the said Regent, and to summon forthwith a Privy Council; and the Members of his Majesty's most Hon. Privy Council are hereby required to assemble in consequence of such summons; and the said Lord President, or in his absence, the said Secretary of State, in the presence of any
 “ or more Privy Counsellors so assembled, to cause the said instrument to be entered on the books of the said Privy Council, and immediately thereafter, to send a copy of such instrument to the Lord Mayor of the City of London, and
 “ likewise

"likewise to cause the same to be printed in the London "Gazette."

Mr. Pitt, when the clause was read, observed, that the first blank, he meant to propose should be filled up with "Five." He entered into a general statement of the reasons by which the necessity of such a clause was created. It was of the highest importance, he said, that the King should re-assume his powers immediately, and without impediment, on his recovery. His right would then stand clear and undoubted, beyond the extent, and independent of the authority of the two Houses of Parliament. They were providing for that right, and, in so doing, they ought to provide according to the Constitution; that they should not be thought to be trenching upon Royalty, and, if they went any farther than the necessity of the case, they should be usurping to themselves a right of transferring the King's undoubted right to another. As long as there existed a necessity for his Majesty remaining in the care provided for the Royal Person, they could not look for one Royal Act for him, the first preliminary, therefore, was, that previous to his Majesty's resuming the Royal Authority, the Queen and her Council must give the notification. When that was done, his Majesty would have a clear right to resume his Government. When his Majesty should no longer be infirm, he must act as a King through some ostensible channel. It was necessary, therefore, to provide some fit and ostensible channel through which the will of the Sovereign might be conveyed. But it would not be fitting, in his opinion, that this conveyance should be made through persons, whose authority, as being derived from the Regent, would expire of course on the recovery of the Sovereign. He regarded the majority of the Council of Advice, who were proposed by the clause, as forming a sufficient and a responsible number for this purpose, and the more, as it was provided that Parliament was immediately to meet, to check, and to punish any possible impropriety which might appear in their proceedings.

Mr. Powys said, that he could not sit in silence when a measure was proposed, so novel and so destructive to the constitution. He felt it his duty to rise, and to vindicate the rights of Parliament, not by ostentatious and verbal declarations, but by entering a serious protest against those rights being taken away, and vested in a Council which the constitution could not recognize; an assemblage which, under whatever appellation it may be disguised, and however respectable some of the names may appear, he could not look on but as a packed and garbled *junta*! The recovery of the Sovereign could only be judged of by those who had ascertained his incapacity. The Sovereign was not, for the assumption of his rights, merely to be *supposed* in health. This could only be determined by the same solemn investigation which had been used

in the first instance. He had heard much, on the present occasion, of the *responsibility* attached to the Members of the Council; yet he could not see in what manner they were to be punished. They might plead, in case of a premature notification, that it was an error of judgment, or an act of obedience. In such case he saw no mode of convicting them, as there was no instrument of record by which their guilt might be made to appear.

The whole of this clause, he declared, had its origin in those principles of *suspicion*, which had first produced an insult to the Prince; and which was now followed up by a similar insult to the Legislature, whose authority it was attempted to curtail and to transfer. The whole transaction took its present shape, for the sole purpose of alienating the Royal mind! But how, if the Sovereign were to awake from his present *eventful slumber*;---how would he regard their proceeding? On being informed of the interruption of his authority, he would ask, of course, "to whom am I indebted for its *restitution*?"---Could the answer be, "To the Lords, his hereditary Counsellors?" No! Could it be, "To his faithful Commons?" No! Was it, then, "To his Royal Children, or Brothers?" No! These had all been deprived of their power! They had been led to transfer them to a strange *Junto*, for the sole purpose of narrowing the gratitude, and poisoning those opinions, which would otherwise take place in the mind of his Majesty!

Within these few years, Mr. *Powys* said, he had been witness to many very extraordinary transactions. He had seen the Executive Authority raised very high, indeed, and set up against the opinions and influence of the two Houses of Parliament. He had seen, and by the same hand, those two Houses of Parliament exalted, in turn, for the purpose of trampling on the Executive Authority: yet they were now called to enact more extraordinary---to transfer to others their most important functions. They were desired to commit a suicide on their own powers, and meekly to sign the sentence of their own condemnation. He concluded with stating, that he had several amendments to propose to the present clause, but should wait for an amendment, which an Honourable Gentleman behind him (Mr. *Marshall*) had done him the honour to communicate his intention of moving.

Mr. *Vyner* said, that as he was the person who had first expressed a dissatisfaction on the Report being received from the Privy Council, and had proposed, in consequence, the examination of the Physicians in a Committee of that House, he could not now withhold his opinion, that the same enquiry should take place at the end, as had been at the commencement, of his Majesty's indisposition. The communication should certainly be made to Parliament, who, he was certain, would receive it with the greatest sensation of loyalty and pleasure.

Sir Richard Sutton expressed some surprize, that the claims of Parliament should now be pressed so strongly by those, who, on a former occasion, were of opinion that Parliament had no claims at all. To these, however, he said, the rights of the Sovereign were paramount; and that, on the recovery of the King, being established in the mode proposed by the bill, any parliamentary enquiry would be, in fact, derogatory to the dignity of the Sovereign.

Mr. Francis reserving to himself to deliver his opinion more at large, in future, observed, that among all the novelties which had occurred in the course of this business, some of them alarming, and all of them surprizing, nothing surprized him more, than that he should now, for the first time, not have been able to comprehend the meaning of the Chancellor of the Exchequer. He said, that whereas the question before the Committee regarded the mode of establishing, by sufficient evidence, the truth of a most important fact, namely, the certainty of his Majesty's recovery. The Right Honourable Gentleman had not said one word either about fact, or evidence; but had rung the changes a dozen times over, upon the words *Channel*, and *Channel of Information*, without any apparent application to the subject, and in a way which conveyed no distinct idea whatever to his mind. He said, that he had risen to state a specific question, to which, he hoped he should receive a clear and rational answer. He continued, that to every man who had had an opportunity of observing persons afflicted with that malady of the mind, it was a truth, which could admit of no dispute, that to ascertain the fact of the existence of the disorder, was one of the easiest operations on which the human judgment, or observation, could be employed; but that, to ascertain the fact of a real recovery, was one of the most difficult points of enquiry, as well as the most doubtful in the result, that could be proposed to human sagacity: that a view of the person, or a conversation of a few minutes, might be sufficient to put the first out of all doubt; whereas, to ascertain the second, would require long, minute, and attentive observation; a variety of tests, and continued experience; and even with all these precautions, the investigation might possibly end in finding a false fact; the party might deceive himself, and persuade others to abet him in the deception.

On this unquestionable truth, *Mr. Francis* said, he founded his question; namely, "*Since you have admitted, that the interposition and cognizance of the two Houses of Parliament was necessary to ascertain and establish the fact of the King's incapacity, that is, to perform an act of no difficulty whatsoever; on which rational ground of distinction, you now assent, that the interposition and cognizance of the same judgment, is not necessary to ascertain and establish the fact of his recovery; an operation, in which, of all others, our observation, and*

even

even our experience, is most liable to be deceived: and if you thought the authority of Parliament was necessary to warrant the first fact, to the satisfaction of the whole kingdom, why do you think it unnecessary to warrant the second fact by the same authority? Why do you refer this question to an inferior tribunal?

Mr. Marsham said, Sir Richard Sutton's declaration, that his Honourable Friend had resisted the rights of Parliament, and now was going to make unnecessary and unjust claims on Parliament, appeared to him to be remarkable language. Mr. Marsham objected particularly to that part of the clause, enabling her Majesty to call in what Privy Counsellors she thought proper to decide upon the question of his Majesty's ability to resume his Government. He had two clauses that he meant to submit to the House, instead of the one proposed by the Right Hon. Gentleman. They were to provide, that on the notification by the Queen of his Majesty's recovery, Parliament should, if sitting, in not less than four days, nor more than six, after such notification, order his Majesty's Physicians to attend at the bar, and to have a single question put to each of them, namely, Whether his Majesty was capable to resume the reins of Government? If the answers were given in the affirmative, the Houses should go up with an address to his Majesty, praying him to resume the reins of Government; and on such an occasion, he was confident that the whole nation would go up with one voice, congratulating each other on the happy return of their Sovereign. This mode, he conceived, would be far more satisfactory to the people of England, than the one of the Privy Council proposed by the Right Honourable Gentleman.

Mr. Marsham here read the two clauses he meant to propose; the first of which was in substance as above stated; and the second gave the power to the Regent, and to Physicians, to have free access to see his Majesty, after the notification of his recovery. He concluded by observing, that if his clauses were rejected, the House would give a deliberate opinion to certain Counsellors of their own appointment, which they would not trust themselves with.

Mr. Bouverie was sorry to differ from his Hon. Friend, but he saw no principle in his clauses, that was correct and constitutional, or that did not go too far.

Colonel Phipps argued very ably and ingeniously for the clause proposed by the Right Hon. Gentleman. He urged the propriety of the examination that had taken place in the first instance, to prove the malady; and the impropriety and indecency of taking a Parliamentary examination of his Majesty upon his recovery. He asserted the right of the King to resume his government the moment his infirmity ceased to exist. He wished the resumption to be brought forward in the most easy, and, at the same time,

in the most responsible manner; and for that reason he objected to the interference of Parliament, who, not being a responsible body, were improper so to act: he wished them to keep within their own bounds, and look after the responsibility of others; he wished them not to drag their Sovereign to their bar, to be examined as to his recovery, but to be ascertained by those who had seen the progress of his recovery. He saw the King was mending. Dr. Warren, he observed, had signed his name that his Majesty was better. Dr. Warren, and the rest of the Physicians, and not the House, would see the progress of his recovery.

The Colonel animadverted on the speech of Mr. Powys: that Gentleman had said, the King, on his recovery, would ask, "Have my Parliament given me this power?—My dear Children?—My Brothers?" No. The Parliament gave him the power, Colonel Phipps said, at the time of the Revolution. He declared he wished them not to take upon themselves the part of a Republick, and when they thought proper, present a Crown; but to act as a Parliament belonging to a free Constitution at the head of it.

Mr. Sheridan said, he should not have risen, after having heard the most able arguments he had ever heard, and the most extraordinary resolves. The Hon. Gentleman had said, the King had a right to resume his Government, when recovered, and that it was his undoubted right. Nobody disputed it. Nobody questioned the right. The real question was, the fact of his Majesty being restored, and capable of resuming the Government, and the manner in which that should be ascertained, and the resumption of his powers made. After passing that bill, the real question would stand, that his Majesty had no right, though his Majesty would have an unquestionable right on his recovery. But what were the proper means to ascertain that recovery? By the mode proposed for his Majesty's resumption of his Government, it was to be under certain terms and conditions. Who then were to be the judges of those conditions—who so proper as the two Houses of Parliament? There was no person, he said, doubted the propriety of going into an examination to prove the incapacity; it was their duty to do so; and it was equally their duty to take care to provide against any act of his Majesty, until his capability was known. By the present clause, they were about to delegate the trust that belonged to themselves to others, and thereby depart from the duty they owed their country, and degrade themselves, by acknowledging that these eight Counsellors of her Majesty were more trust-worthy than Parliament.

After reprobating the powers of the clause given for the resumption of the Government, as dangerous, he summed up his arguments by saying, that they were about to delegate their authority into most suspicious hands—into hands by no means proved to be fitter for the trust than the Parliament: they were about to fall into

into the error which the principle of their bill was to guard against, namely, the suffering the Regent to have the power over the person of the King in many cases, but in particular on the death of the Queen; they were putting themselves into a situation, that, the first notice they might have of his Majesty's recovery, might be by a dissolution of Parliament. The second step his Majesty might take, might be, under his Sign Manual, to appoint a new Regency, by Lords Justices, or otherwise; and that, when Parliament should again assemble, they might meet, not his Majesty, who might be relapsed, but his Commission, without ever having any proof laid before them of his Majesty's having ever recovered.

Mr. Dundas said, *Mr. Sheridan* had stated the real question, and argued very fairly, though he had contradicted, by his practice, what he had declared, that it was necessary to examine into the incapacity of his Majesty; since, out of that incapacity, arose their right to delegate the Royal Authority. On his Majesty's recovery, they would have no such right; the right of exercising the Royal Authority attaching itself to the King, the moment of his recovery. He agreed with the Honourable Gentleman (*Mr. Marshall*) that, on the happy and joyous day of his Majesty's recovery, there could be but one sentiment, one united effusion of joy and gladness throughout the empire. He also agreed that it would become the House to congratulate his Majesty on his resumption of the Government; but he could not agree with the Hon. Gentlemen, that his Majesty should be retarded from his right of governing until they had addressed him to take the reins of Government. •

The proposition of his Right Hon. Friend, was to enable his Majesty to come down and meet his Parliament, on his recovery, in his own right as Sovereign. The other proposition was to humble him to the character of a supplicant for his throne, seeing his authority exercised by another, in the person of his Regent. The system proposed by his Right Hon. Friend, went, as near as was possible, with the straight line of the Constitution, guarding the safe return of his Majesty to his Throne; and, at the same time, the right to assume his Government was so carefully guarded with every necessary provision and check, as to render it impossible that any resumption should take place in any way injurious or dangerous to the country.

Gentlemen might talk what they chose about the Council appointed to her Majesty; but he would ask them individually, whether, in their own consciences, they believed that those great and respectable persons would state his Majesty's recovery, in a publick record, when they were convinced that such recovery did not exist? He was convinced by his own feelings, what the opinion of every impartial man must be, and what would be the opinion

opinion entertained by the publick at large, it would be, that they were not capable of stating on record what they were not convinced to be true. The clause gave to that Council the power of being in the daily observation of every particular of recovery; they had the power of examining the Physicians, and every opportunity of being competent judges of his Majesty's situation. It was true, that when her Majesty thought the King recovered, she was to notify that happy circumstance; but she could not do it alone; the House had placed on her Majesty a check of eight Counsellors, for advice, without a majority of whom concurring in opinion with her Majesty, she could not notify such recovery; and such a check was, in his opinion, a sufficient surety to the House, and the country, that no premature resumption would take place. Her Majesty's Counsellors were men of strong judgment, and of great loyalty and attachment to their Sovereign, and would not, by premature judgment, subject her Majesty and the people to the pangs of having their King brought forward in a state incompetent to the exercise of his Royal functions. The House would act wisely in adopting the present mode proposed for his Majesty's return to his Government: it was not left to his Majesty's own judgment to give the notification of his recovery, but to the Queen and the majority of her Council; and before the recovery could be declared to the empire, the Privy Council must concur with her Majesty, and countersign the Proclamation. There was an additional check even to these, and which he did not consider the least; it was, the opportunity given to his Majesty to exercise his philosophy and his religion, in revolving in his mind his situation, before he gave his proclamation, and came forth to his afflicted people, saying, "I am your King again." It had been asked, what responsibility attached to the advisers of her Majesty, or to those who countersigned the proclamation? He answered, the same responsibility that attached to any Privy Counsellor for advice given to the Monarch. Would any man, of such a description as those eight persons who formed her Majesty's Council, chuse lightly or wantonly to take such a trust; or was it likely that they would abuse it? If they betrayed the trust reposed in them by Parliament, Parliament would act consistently in punishing them. It was, however, unlikely that such a trust should be violated, when the fact of his Majesty's recovery was to be given under the sanction of the Queen, the Queen's Council, of his Majesty, and lastly, of the Privy Council.

An Hon. Gentleman (Mr. Powys) had said, that Parliament would be degraded, and that Gentlemen had seen that House degraded and disgraced. He agreed it had been degraded, not by the executive power, but by themselves: insulted they were, when those who made claims in which they were not supported by them

them who sent them to Parliament, the people of England; the persons who brought forward those claims, might be said to have insulted them; their conduct caused the people of England to address the Throne to protect them from their violence; and the wise measure of that day, which returned them to their constituents, was happily felt by the return of the present Parliament, whose measures had been admired and applauded throughout the country. He charged Mr. Powys with having acted in an *unmanly* way, by sheltering himself behind the Previous Question, when the question of Right was discussed. Mr. Dundas said, he never would agree to any measure to throw obstacles in the way of his Majesty's resuming his Government. Was it to be borne, that, when his Majesty was recovered, his Regent should come down to the Parliament as King, make a speech as King, while their Sovereign was to be a spectator of the pomp and shew from the windows of Buckingham House? No, he would never agree to such a conduct, and believed the House and country would revolt at it. He considered the plain question before the House to be, whether the mode proposed was sufficient to establish the fact of his Majesty's recovery, whenever that fortunate event should occur? The fact so ascertained would be sufficient to enable the Privy Council to present the King to the ardent expectations of his people; and if they did it prematurely, they were punishable by Parliament. Those, therefore, who agreed with him in thinking the powers sufficient to ascertain the fact, would not, he was convinced, submit to have any other mode adopted, which might retard his Majesty's return to his Government, and give him the uneasiness to see another meet his Parliament, and exercise his right.

Mr. Powis rose to explain. He said the Right Honourable and learned Gentleman had argued the matter fairly, and brought the question to its true point, upon which they were at issue, viz. Whether his Majesty, on the recovery of his health, should resume his Government upon the authority of the Parliament, or mine of his Privy Council. The Hon. and learned Gentleman, he avowed, had understood him right, when, by his declaration that Parliament had been degraded and disgraced, he understood him to allude to the dissolution of the last Parliament, after the promise given to the House and the publick, in the name of the Right Hon. Gentleman, that he would not advise his Majesty to dissolve the Parliament. Mr. Powys said, if he had not understood the Hon. Gentleman to whose declaration he had alluded, he was sorry for it, he did not wish wilfully to misunderstand him, but if he had, he believed many misunderstood him in the same way as he did at the time.

The Hon. and learned Gentleman had stated, that he took an *unmanly* part on a former day, in shrinking from the discussion of the

the Question of Right. He did not shrink from it, Mr. Powys said, but thought the discussion of the Right unnecessary; and, after giving his reasons for being of that opinion, deprecated the discussion.

With regard to the subsequent proceedings upon the Resolutions, he had questioned the right of Parliament to parcel out the power of the Crown; and he had stated doctrines which he had found in books, that he conceived to be books of undeniable authority, which proved that such a division of the Royal Prerogatives, and such a separation of the regal power from the Kingly office, were neither legal nor constitutional.

Having fully explained these points, which Mr. Dundas had adverted to, Mr. Powys said, he hoped he did not transgress order, but perhaps he did what was almost as bad, intrude upon the patience of the House; he had risen merely to confine himself to explanation, but might he beg permission to add about six sentences more. The Hon. and learned Gentleman had drawn the argument into a fair point of view, and had met what they on that side the House had no scruple to avow to be their meaning, viz. that, as Parliament had thought it to be their duty to pronounce the incapacity of his Majesty to exercise the Royal Authority, Parliament ought to be enabled to enquire into the fact of his Majesty's recovery, and to declare it previous to the resumption of the personal exercise of the Royal Authority. But the Hon. and learned Gentleman had said, ought his Majesty to supplicate Parliament, and intreat, at their hands, a grant of that which was his Majesty's undoubted right to exercise, as soon as he was in a capacity to exercise it? In answer to that, he might ask the Hon. and learned Gentleman, whether his Majesty ought to supplicate nine of his own servants, persons holding places under him, for that which was his undoubted right, because if the nine Privy Council did not chuse to join in the transactions, his Majesty could not resume his Authority.

The Hon. and learned Gentleman had said, they were all solicitous for his Majesty's recovery, and his restoration to his Government; but were not Privy Counsellors equally solicitous, and equally anxious for it? The fact might be so, Mr. Powys said, but it was a proceeding of too serious, and too important a nature, to take place under the sanction of any other authority than that of Parliament.

Mr. Banks rose as soon as Mr. Powys sat down, and said, it was not pleasant to hear himself attacked, and not to be allowed to answer. The sort of charge that had been made upon him by the Hon. Gentleman, had not that day been urged for the first time; if he recollected rightly, it had been urged before, more than once by the Hon. Gentleman; he begged leave, therefore, to say a few words in his own behalf.

The

The Hon. Gentleman alluded to a declaration of his, made five years ago. At that time there had been a violent opposition to his Right Hon. Friend, whose opinion he had uttered on the occasion, and whose commission he had executed faithfully. He had no doubt, Mr. Banks said, but that when he made the declaration, it was his Right Hon. Friend's determination strictly to abide by it. He recollected there were reports of a speedy dissolution of Parliament, and the opinion he had delivered arose from this; an address was moved to be presented to his Majesty, stating, "that several weighty matters and proceedings were under the consideration of Parliament, and praying that his Majesty would lay aside the exercise of his undoubted prerogative, and not dissolve the Parliament, till they had decided upon the weighty matters that were before them." He lamented, that a Right Hon. Gentleman was not then present, because he was sure, his candour would induce him to confirm the statement that was given. That Right Honourable Gentleman had objected to the declaration at the time, and with great fairness, had proposed a more parliamentary mode of proceeding. The Right Hon. Gentleman had said at the time, that the declaration of an individual Member, was not a fit ground for that House to proceed upon, even if it had come from the best authority, meaning, no doubt, the Minister, (who had not been in the House at the time) and, therefore, he had recommended an address to the King, as a more clear and effectual way of getting an answer. He was not aware, Mr. Banks said, whether an Address had been moved by the Right Hon. Gentleman himself, [a general cry from the other side, of *No! No!* and Sir *William Conyngham* said Mr. Eden] the Hon. Gentleman, however had, in his opinion, discharged his trust, though party ran high, and Parliament had, in his opinion, got out of its proper functions. His Majesty was known to have changed his Ministry, and many violent proceedings took place, till at length Parliament was dissolved. Mr. Banks descanted on the difference between a declaration which the House had acted upon, and a declaration that had not been acted upon; which latter was the case with the declaration that he had made. He laid great stress also, on an assertion, that a change of circumstances had occurred, between the time that the declaration had been made by him, and the dissolution which actually took place afterwards.

The *Chancellor of the Exchequer* and Mr. *Powys* rose together. Mr. *Powys*, however, sat down, declaring that he would submit to the *command* of the Right Hon. Gentleman. Mr. *Pitt* thereupon, with great anger said, the Honourable Gentleman would do well first to submit to the orders of the House, and next to conform to decency, and not wantonly introduce charges that were malicious and unfounded, respecting matters that had passed in

in another Parliament, and which had been repeatedly debated when the subject was fresh in their recollection. With regard to the matter itself, the Chancellor of the Exchequer declared, that had not his Hon. Friend thought it entitled to the notice which he had paid it, he would not have made the Hon. Gentleman over the way any answer; he had too much regard for the House, and for the important subject of debate then before them, to waste the time of the House about it, and as to any imputation to be dreaded from it, his character, he trusted, was above it. There had been no engagement made in his name, and through his means, and if any one asserted that there was, he asserted a fact destitute of foundation.

Mr. Powys said, the Right Hon. Gentleman had no right to assert in that House, what he had imputed to his charge; and he denied that he had said any thing that had either a malevolent or a malicious intention. He did not, *Mr. Powys* said, stand on the haughty and arrogant ground which the Right Hon. Gentleman had taken; he did not say that his character was above the reach of calumny; he would say nothing of his character, but only appeal to the fact. The Hon. Gentleman who spoke last but one had talked of a charge, and an imputation being made against him; he begged that Hon. Gentleman to know, that when he meant to make a charge, he would not disavow it. He believed that the Hon. Gentleman had very correctly stated to the House what had passed upon the occasion to which he referred, and, he believed, that the Hon. Gentleman had meant nothing more, when he made the declaration in question, than honourably to discharge the trust reposed in him by his Right Hon. Friend, in the manner that he had stated.

The *Chancellor of the Exchequer* said, he felt too much the importance of the subject of the Bill then actually in debate, to say one word more respecting the declaration alluded to.

Mr. Bouverie said, the promise that Parliament should not be dissolved, and the breach of that promise were in every man's mind—

Mr. Dempster, called to Order; he lamented that so much of the time of the House had been wasted in discussing a subject which had no relation whatever to the actual ground of debate, and which had happened in a time when party ran exceedingly high in that House, and gentlemen's minds were much more divided, and their tempers more irritable than they were at present: the less, therefore, that was said about it the better; for which reason, he begged *Mr. Watson* would read the Question then before the House, that he might clearly understand what it was.

The Question was read accordingly, and the debate proceeded.

Mr. Sheridan said, he did not mean to allude to the extraneous matter that had been introduced into the debate. *Mr. Sheridan* complimented *Mr. Dundas*, declaring, that with regard to the beginning of his speech, he never had heard any thing more able, more earnest, or more eloquent; but that towards the end of it the Hon. Gentleman got himself entangled in an argument that destroyed the principle of all his former reasoning. The Hon. Gentleman had first doubted, whether we had any right to impose restrictions on his Majesty's re-assumption of his Royal Authority, and, he had afterwards said, that the Bill had provided all the necessary checks and restrictions, thus contradicting the Right Hon. Gentleman's assertions. *Mr. Sheridan* observed, that the Hon. and learned Gentleman had said, ought his Majesty to be a suppliant to Parliament, for the exercise of those Prerogatives which of right belonged to him? He would say that it would be better for his Majesty to supplicate that House for his Crown, than either his Council of eight, or his nine Privy Council. *Mr. Sheridan* charged *Mr. Dundas* with flying to the common place topics of pitying the King, and saying, all he felt for him and his situation; they, every one of them, no doubt, felt as they ought to do for his Majesty, but they ought likewise to feel for their country, which was an equal consideration.

The Hon. Gentleman, he said, disdaining to read the Bill upon which he had been speaking, had made several gross blunders, and plainly proved, that he was not a master of the various clauses which the Bill contained; perhaps the Hon. Gentleman had not read them. The Hon. Gentleman had talked of what might happen in case of the Queen's death, whereas the Bill contained an express provision for that circumstance. He had all along understood, *Mr. Sheridan* said, that they were not to argue on grounds of personal confidence, and the Hon. and learned Gentleman in particular had, a few days since, declared that arguments of that kind were unmanly and improper; and yet, in his speech of that day, he had resorted to that sort of argument; he had called upon the House to know whether Lord Thurlow, Lord Kenyon, and the rest of her Majesty's Council, were not the fit persons to advise her Majesty? Won't you, said he, believe that the Archbishop of Canterbury is a person fit to be trusted, and that he will connive at no fraud in what leads to the circumstance of bringing forward his Majesty for the re-assumption of his Royal Authority? Undoubtedly, *Mr. Sheridan* said, it was not likely that the Archbishop of Canterbury, Lord Thurlow, and the rest of her Majesty's Council, were persons very likely to betray their trust; but they all knew that personal confidence was not a fit ground for parliamentary argument. The Hon. and learned Gentleman had the preceding day declared, that the Council of the Queen was only a Council of Advice, and yet that day they had heard him say, that it was a check and a Council

Council of Controul. Mr. Sheridan bid the Committee recollect on what grounds the Irish Parliament proceeded; they took up the circumstance of the King's incapacity, upon the declarations of the English Parliament, and proceeded upon a principle of respect to them. He urged the necessity, therefore, of their settling the mode of his Majesty's resumption of his Royal Authority, in such a manner as the Irish Parliament should be willing to adopt. Mr. Sheridan added several other pertinent observations.

Colonel Phipps rose to take notice of some remarks which Mr. Sheridan had made. The Hon. Gentleman, he said, had complimented him with an ingenuity which he did not deserve; he had taken care, however, to mix with it some necessary portion of corrective severity, and had accused him of an error, that he did not commit. Col. Phipps explained the point of his speech to which Mr. Sheridan had alluded.

Mr. Marsham explained the meaning of the two clauses which he meant to move by way of amendment. The principle object of the first of which was to address his Majesty, and desire him to assume the reins of Government; and the principle object of the second was, to direct that his Majesty's present Physicians should be examined by the Privy Council. Mr. Marsham read the two clauses at length.

Mr. Burke rose next, but a great many Gentlemen of the opposite side quitted their places as soon as they saw him up; Mr. Burke observing it, said he would begin speaking as soon as the Gentlemen with orange capes had quitted the House. He first took notice of what had passed respecting the Hampshire petition; when it was said, that the voice of their Constituents should be that of the Court, when a petition, speaking the sentiments of a most respectable body of men, was treated as if it disgraced Parliament, if the Right Hon. Gentleman had sent the author of an Address that had degraded Parliament, to tell the Court of Madrid, and all the Courts on the Continent, that he had degraded Parliament; he was, Mr. Burke acknowledged, a poor humble follower, who gave his vote for that Address, and was talked of as having degraded and disgraced Parliament; he wondered not that the Right Hon. Gentleman was desirous to come to a completion of the whole, and had now near twenty, among his voters, of those who had assisted in thus degrading and disgracing Parliament.

Mr. Sumner declared, what the Hon. Gentleman was saying was totally inapplicable to the subject under debate; he, therefore desired that the Chairman would read the Question.

Mr. Watson said, he thought it his duty to inform the Committee, that there was no Question before the Committee.

The *Chancellor of the Exchequer* said, the Question was to fill up the blank in the first clause, but that, at the desire of the Committee in general, he had summarily stated the principles and arguments on which he rested the whole of the regulation.

Mr. Burke said, he saw he might push the topic too far; his meaning was, to praise several who supported the Right Hon. Gentleman's Administration, but he found it was disorderly; if he approved the Minister's friends, it was irregular. Order, he observed, was an admirable thing, perfect in all its limbs, only unfortunately it *squinted*, and wanted the aid of some expert oculist to enable it to see straight.

He took notice of *Mr. Dundas's* speech, declaring a part of it to have been ingenious, a part of it dull, and a part of it invective. The Hon. Gentleman had talked of the wisdom of the regulation for the return of the King to the exercise of his Royal Authority, and his triumphant entry into Executive Power. It would not, *Mr. Burke* said, be amiss, if, before they enjoyed the triumph, they shewed their wisdom, by endeavouring to preserve the Empire. The ridiculous petition they had just adverted to, advised them so to do. A Parliament was not to be resorted to in the event of his Majesty's resumption of his power; he desired to know, had they asserted the competency of Parliament, on purpose to degrade and villify it? The Hon. and learned Gentleman thought, that to dispose his Majesty's Government, it was necessary to make an examination of Physicians before that House, but to give it to him, it was not necessary for that House to have any examination.

The Hon. Gentleman asked, what had they to say of the characters of the Officers of the Household? He had nothing to say of them, but when they had accepted the trust, they were not fit to hold it. He might adore the Duke of Montague, he might worship the Earl of Salisbury: he knew those; but he would not say that others, as great as they, would not do in their places. The House, he said, had no security at all for the due performance of that important event, that was to pass through the hands of the King's Council.

The Hon. and learned Gentleman had said, would you have the King a suppliant to Parliament? Yes, he thought Parliament the proper judge of Kings, and that it was for their honour that they should be so. When he went to war with foreign powers, he wished the King to be a suppliant to Parliament; when he entered into subsidiary treaties, he wished him to be a suppliant; but he did not wish him to be a suppliant to his own menial servants, those who eat his bread and received his wages. If an examination by his Majesty's Physicians, when his incapacity was declared, if that were degradation, why did they

they make it a necessary proceeding? The Hon. and learned Gentleman said, if the King is well, he shall come and claim. Why then did he not? Oh no, he must have restraint, but it should be any restraint other than that of Parliament. Mr. Burke reasoned on the necessary steps to be taken preliminary to his Majesty's being suffered to resume his authority; the first thing to be learnt, he said, was, that the sanity should not be doubtful. Because, to produce the person of a Monarch, in such weakness, as might render him the tool of a faction, who should make him do what he could not undo. Had they forgot the case of Charles the Sixth of France, who delivered all his power over to the hands of a faction, who ruined France. Charles the Sixth, previous to his visitation by that dreadful calamity, was as enterprising as any Monarch that ever sat on the Throne of France, and just before it pleased God to afflict him, the French had talked of invading England; but after that period, England invaded France, we went into the heart of the country, and tore the Crown from the brow of its Monarch. Mr. Burke advised the perusal of the History of Foreign States; it was, he said, a fund of Knowledge, infinitely of more service than birth-day Odes or Addresses. The disorder with which the Sovereign was afflicted, was, he said, like a vast sea which rolled in, and, at a low tide, rolled back, and left a bold and barren shore. Mr. Burke said, he had taken pains to make himself master of the subject, he had turned over every book upon it, and had visited the dreadful mansions, where those unfortunate beings were confined. At one of them, the capital hospital for such persons, he saw the goodness of the provisions, the cleanness of the house, the discipline throughout, and the wonderful order by which so many persons were governed by a few.

An author of great authority, Mr. Burke said, having mentioned the uncertainty of the symptoms of sanity, had declared, that after having been kept a month, (and the rule was, he said, at all the houses he had visited, though anxious to discharge the patients speedily, as they all were, to keep them a month after their recovery, before they turned them out of the house) they they would sometimes dread the day of their departure, and relapse on the very last day, and the consequences that had followed were of the most fatal kind. Mr. Burke read an extract from the volume he alluded to, which stated, that some of these unfortunate individuals, after a supposed recovery, had committed parricides, others had butchered their sons, others had done violence to themselves, by hanging, shooting, drowning themselves, throwing themselves out of windows, and by a variety of other ways—

The extract Mr. Burke had read, being such as revolted the feelings, there was a cry of *Oh! Oh!* and one Gentleman called

Order, when *Sir Richard Hill* said, he did not rise to speak to order, but to apologize for the Right Hon. Gentleman. *Sir Richard* was interrupted by *Mr. Grey*, who said, he wished Gentlemen would not rise to *Order*, without being able to prove, that any word that was disorderly had been spoken.

Mr. Burke rose again, and said, he who had as low an understanding as any man, would wish to make amends by industry and application, from which alone useful knowledge was to be acquired. He declared, he wished to preserve the utmost delicacy, but delicacy, though a being of perfect symmetry and order, was only a subsidiary virtue, and ought always to give way to truth, where the case was such, that the truth was infinitely of more consequence than the delicacy.

Mr. Burke reasoned most eloquently on this idea, and instanced a variety of cases where great delicacy was *prima facie* due, and yet it was uniformly abandoned. Among others, all cases of illness in the fair sex, who were, he said, delicacy itself; and yet there occurred with them a variety of occasions, where delicacy was obliged to be sacrificed; he mentioned child-birth, and especially when the child was the Heir of a kingdom; in that case, for the sake of the succession, there was still more disregard of delicacy than in other instances. He also mentioned proceedings in the two Houses upon Divorce Bills, proceedings in the Ecclesiastical Courts, Trials for Rapes, &c. &c. In Naples, they published every circumstance relative to such maladies as his Majesty laboured under, because the feelings of the world superseded delicacy. Had he not, he said, seen London almost burnt to the ground, through an idle and over-scrupulous regard to delicacy.

After having very finely painted the bad effects of delicacy when misapplied, he returned to the subject, and said, he had read enough to give the Committee a sense of the danger of an uncertain cure, arguing from the great disasters that had followed in private life, that it was the more necessary to take care, that a sane Sovereign was put in the possession of Government. He drew a picture of the King's supposed return, which he described as most happy, if really cured, but as horrible in the extreme, in its consequences, if a sudden relapse took place.

Sir Richard Hill made a short ironical speech, in which he talked of the British Constitution receiving support from one, whose own Constitution required aid. He mentioned *Mr. Burke's* having gone to the several receptacles for insane patients, and said, when he went again, he did not know how long he would stay there. The Right Hon. Gentleman, he said, stood in no need of tartar pills, or cream of tartar, though, perhaps, a little physic would do him no harm.

Sir Charles Gould declared, he approved of the regulation, as he thought it favourable to the circumstance of his Majesty's being restored to his Government on his recovery. *Sir Charles* moved a short amendment.

Mr. Powys moved several amendments.

Mr. Sheridan said, as the Bill stood, his Majesty's recovery would not come before Parliament at all, even if it were sitting. *Mr. Sheridan* reminded the House of what he had spoken before, viz. the possible case of his Majesty's recovery, and the very first act of his executive Government being a dissolution of the Parliament. He put the case also of the King's being recovered to a degree, and substituting a new form of Government without Parliament. He stated likewise that his Majesty might recover, and might not chuse to appear in public, but might nominate other persons as *Custodes Regni*, to carry on the Government for him. *Mr. Sheridan* moved an amendment, which he explained to be introductory to a still farther amendment meant to be proposed afterwards, with a view to procure the object he aimed at, and those that thought as he did, viz. that Parliament ought to be the medium of restoring the Government to the King on his recovery.

Mr. Sheridan's amendment tended to oblige the Privy Council to take care that the instrument, stating his Majesty to be recovered, that was to be sent to the Lord Mayor of London, and inserted in the London Gazette, be previously laid before Parliament.

The *Chancellor of the Exchequer* objected to the amendment, denying that his Majesty could delegate his authority while he remained within the realm; there were, he said, no powers in the law of the country, by which the King could appoint a person to the Royal Authority, and as to the idea that his Majesty might recover, and the very first act of his Government would be to dissolve the Parliament, it was a notion too wild and extravagant for any man seriously to entertain.

The *Attorney General* said, he did not think it possible for any Gentleman to get up and alarm them with the idea, that his Majesty, on his recovery, would make a *Custos Regni*, or *Custodes Regni*, which of late years had been known by the more familiar name of Lords Justices, in which case every act is done by the King in his own person. He had on a former day explained, *Mr. Attorney* said, that the Lord Lieutenant of Ireland was, strictly speaking, a *Custos Regni*; but, if the King was to set his foot in that kingdom, the Lieutenant's power would stop instantly, and his patent be void. Nothing could be more clear, *Mr. Attorney* said, than that the King could not raise another Royal person. A Regent, that they were then making, was a mere creature of Par-

liament, only thought of of late years, and to be found recognized in no more than one or two modern Statutes.

Mr. Sheridan was not satisfied, and replied.

The *Attorney General* spoke again, and again explained the nature of Commissions, particularly adverting to that Commission they lately saw on the Woolpack in the House of Lords. The Committee divided on the amendment.

Ayes	—	113
Noes	—	181

Majority	—	68
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There was some farther conversation between *Mr. Pitt*, *Mr. Sheridan*, *Mr. Grey*, *Mr. Bouverie*, and others.

At length the clauses being gone through, the *Chancellor of the Exchequer* brought up a new clause to enable the Regent, notwithstanding the Restrictions respecting Patent Place Offices for life, Pensions, &c. in case any of the Judges, through age or infirmity, should wish to resign, to grant them pensions; another object of the Clause was to enable Parliament, if the occasion of making a Chancellor should occur, to pass an Act in this Session of Parliament to enable the Regent to grant in that case a reversion of some Patent Office, &c. to the person accepting the Seals.

Mr. Pulteney gave notice, that on the third reading he should introduce a clause by way of Rider, to limit the duration of the Restrictions which disables the Regent from making Peers.

The *Chancellor of the Exchequer* desired the Report might be received immediately, as he intended to read the Bill a third time this day.

The House having been resumed, the Report was made, and the amendments having been twice read, and a question put on each, the Bill was ordered to be engrossed. The House adjourned immediately, it being half after Twelve o'Clock.

FRIDAY, FEBRUARY 12.

HOUSE OF COMMONS.

LIMITATION OF RESTRICTION OF POWER TO CREATE PEERS.

Mr. Pulteney rose to move that clause, of which he had given notice the preceding evening, viz. a clause to limit the duration of

of that part of the Bill which restrained the power of the Regent in regard to the encrease of Peerages. In order to explain the principles on which he thought some limitation on that Restriction necessary, Mr. Pulteney proceeded to call the attention of the House, to the different degrees of check and controul, which the different branches of the Legislature had upon each other; a system wisely provided by the Constitution, in order to keep alive that proper jealousy, the constant attention to which, tended so effectually to the preservation of the Constitution itself.

The Sovereign of the British Empire, as head of the Three Estates, had, he observed, a variety of prerogatives and functions, independent of the two Houses of Parliament, and essentially necessary to the conducting the legislative, as well as the carrying on of the executive government of the country; the two other branches of the Legislature, in like manner, possessed rights, powers, and privileges peculiar to themselves, and equally requisite for the maintenance of their independance, and the security of that independance from the encroachment of either of the other two Estates.

The Crown stood connected with both Houses of Parliament in a peculiar manner, and each House possessed powers of counteracting the Crown to a reasonable degree, whenever the Crown should go beyond the constitutional limits of its prerogative. In that House, as they well knew, whenever they thought it necessary so to do, they could controul the Crown in many respects, and especially by withholding the supplies, or refusing to pass the Mutiny Bill; but if any improper use were made of their power, his Majesty might dissolve the Parliament, and send them back to their constituents. On the other hand, should the other House refuse to lend their aid in passing the Bills of Supply, there was no other means of coercing them, but by creating new Peers, which had more than once restored the House to that situation in which it ought to stand. Mr. Pulteney descanted on the great utility and importance of the power of the Crown to make Peers. Had not the Crown been able to exercise that power, some important Acts would not have passed, and the Union with Scotland could not have taken place. However opinions might have differed about the Union at the time, all men who felt for the interest of both England and Scotland, had since had abundant reason to extoll its wise principles, and to rejoice at its beneficial effects.

The power of creating Peers, so properly lodged in the hands of the Crown for the reward of merit, and the encouragement of virtuous emulation in the service of the country, was a power that had always been exercised sparingly by the Princes who had sat upon our Throne. Had not this been the case, various abuses might have crept into the conduct of Government, corruption

ruption would have been openly practised, and it might have happened, that the House of Commons would have sunk to such a degree of want of respect and character, that there might not be found in it proper persons to be raised to the dignity of the Peerage, and thus the Crown might be deprived of the means of resisting a faction in the House of Peers.

Mr. Pulteney said, he had a great opinion of the House of Commons, but he did not, therefore, wish, that the Crown might not have the power of dissolving Parliament. He mentioned the historical fact of the House of Commons, which, in the reign of Charles I. prevailed on that Monarch to pass an Act, that they should not be subject to dissolution, and declared, that he did not believe either the Monarch or the Members had any idea at the time of the mischievous consequences that followed. As he wished the power of dissolving Parliament to remain in the Crown, in like manner he never wished to see powers given to the House of Lords to resist the constitutional conduct of the Crown; they knew not what operation the power of restraining the Regent from creating Peers might have on the minds of the House of Lords. He only looked to that clause when the other House might have an interest in opposing the repeal of the Bill. They would now tell them, no doubt, that they did not mean to abuse it, and perhaps they would tell them so, truly, according to their present feelings and intentions; but there was no answering for human frailty. Ambitious men, entrusted with unlimited power, might grow fonder of it, in proportion to the length of time they possessed it, and at last refuse to part with it at all. Let them recollect the case of the republic of Rome, with regard to the Decemviri, who were Magistrates, appointed for the purpose of carrying the laws into execution for a year. They were, at first, the wisest and most able citizens of the republic, and all the executive power was entrusted in their hands for twelve months. By degrees the time, they were chosen for, was encreased; first one year was added, and afterwards more, till at last they grew into such importance, and had attained to such an enormous degree of absolute power, that had it not been for the misconduct of one of them, the liberties of their country had been lost for ever. They ought, therefore, to profit by past experience, and to guard against a similar danger to their own country. He would not, by any means, advise the trusting so much out of their own hands, as to suffer the Restriction on the Regent from making Peers to go out of the House in the Bill without some limitation.

It was objected, that the Regent might abuse the power of making Peers, and make too many; but was that to be put in competition of the Lords refusing, at some subsequent period, to
join

join in a repeal of the Act? There was no sort of proportion between the different degrees of danger to the Constitution. On these grounds, therefore, Mr. Pulteney said, he should as a Rider to the Bill, propose a clause for limiting that part of the Bill which imposed Restrictions on the Regent with regard to the power of making Peers, and the time he meant to propose for that Restriction to cease and determine, was *three years*; not that he proposed that period under any idea, that the Regency ought to continue the exercise of the Royal Authority under any Restrictions, so long as three years; but because, if unfortunately they should be disappointed in their present hopes of his Majesty's recovery, he thought three years the outside of the time that, under any circumstances, the Restrictions ought to continue. Mr. Pulteney read his clause.

The *Chancellor of the Exchequer* said, he had listened to the Hon. Gentleman with that degree of attention, that he was always desirous to pay to every suggestion that came from so respectable a quarter. If he were right in his ideas on the subject of limitations of time, in respect to any of the Restrictions imposed on the Regent, the danger the Hon. Gentleman wished to guard against was more in theory, than like to be carried into practice. That a majority of the Lords would wish to continue the Resolutions, whenever it should be thought by that House proper to revise their proceedings, and alter them as the circumstances of the case might require; and that limitations ought to be fixed, was a proposition first started on debating the Resolution in the Committee on the State of the Nation, and it had been suggested, that they ought to fix a permanent time. He had then thought, and he continued to think, that there was no ground, and that there could be no ground, for the Lords to retain that power whenever it should be necessary to repeal it.

The whole of the Bill was a permanent measure, and calculated to last only during the continuance of his Majesty's illness. They must, therefore, be at a loss what period of limitation to fix on, since they could not tell the precise period of his Majesty's illness. For this reason, he felt objections to limit the powers of the Regent to any time at all. And another reason was, because, if his Majesty's illness should unfortunately continue to any length of period, so that his recovery would become a matter of doubt, (a matter which, thank God, he had every day more and more reason to believe would not be the case) a new Regency would then be to be settled, and that undoubtedly on very different principles.

However, as the time taken for the Limitation was three years, not he conceived with any view that the Restriction in question, or any other imposed on the Regent, ought, under any circumstances, to continue so long, (since, whether they

should have the happiness to see his Majesty recover, and be capable of resuming the exercise of his Royal Authority, or not, the present system of the Regency ought to cease within that period) but with a view to name three years as the extreme time to which, in any possible consideration, any thing like a Restriction could be supposed to be proper to extend; therefore, in point of theory and of principle, he should have no objection to the clause

Mr. Hawkins Browne said, he quite agreed with the Right Hon. Gentleman, and the Hon. Gentleman who introduced the clause. *Mr. Browne* stated, that he had originally expressed a desire that the Restriction from making Peers might have some limitation; yet in the Committee he had objected to a limitation that had been proposed, because that limitation was less than two years; and though he had very great hopes that his Majesty's recovery would take place long before that period, yet he thought no limitation for a less period ought to be fixed by the Bill; being of this opinion, *Mr. Browne* said, he could have no objection to the clause.

Mr. Powys said, that the clause seemed to imply, that three years was, in the opinion of the House, the period that the Restrictions ought to continue. For his part, he wished not to confine that Restriction, with regard to the making Peers, to a limitation of time, because he thought, that no Restriction whatever ought to exist. But if there must be Restrictions on the Regent, he thought a limitation of three years too long a period. An earlier period than three years would enable Parliament to examine and reconsider the whole proceeding. With regard to their declaring, by accepting the clause, that it was the sense of Parliament, that the Restrictions ought to continue for three years, *Mr. Powys* desired to enter his protest against it; he would accede to no such implied opinion.

Sir James Johnstone said, after a Peer was once created, he was as independant the first day, as he was the last; therefore, although he suspected almost every body, he did not suspect the House of Peers. He was of opinion, however, that if the Restriction had been unlimited, there might, at one time or another, be a combination between the other House and that against the Crown, and therefore he was happy that his Hon. Friend had agreed when the Restriction should cease.

The clause was read, and *Mr. Pulteney* moved, that the words "three years" be inserted in the blank.

Mr. Sheridan said, he was of exactly the same opinion on the subject with his Hon. Friend, with respect of the probability of the Lords refusing to open the door to their House, if, by passing the Bill without any limitation of the duration of the Restriction, in regard to the Regent's power to make peerages, they
suffered

suffered the power to pass out of their hands; and the door of the House of Lords to be once shut. Mr. Sheridan declared, he was surprised at what the Right Hon. Gentleman had said of the idea of the improbability of the Lords ever wishing to continue the power, when they once got it into their possession.

The Right Hon. Gentleman seemed to have forgot that they had gone, throughout the whole of their proceedings, not on probable dangers, but on possible dangers, and every danger that was morally possible to happen, had been most studiously and cautiously guarded against. That such an idea as the Right Hon. Gentleman had stated, was implied by Parliament, was not, Mr. Sheridan thought, to be tolerated; the Right Hon. Gentleman, and the Gentleman behind him, seemed to have adopted a principle that might be extended for seven years as well as three, and therefore, not chusing to lend his sanction to the principle, that the executive power ought to continue maimed and crippled by useless and harsh Restrictions for three years, he should move, to leave out the words "three years," and that the word "one year" be inserted in the blank.

The *Chancellor of the Exchequer* said, the Hon. Gentleman who spoke last, seemed to have done him more justice than the Hon. Gentleman who spoke near him, because he had expressly stated, that as they could not fix the precise period of the duration of his Majesty's illness, he would agree to the three years, as a period the most extreme and distant that could be taken; but that if his Majesty should not recover soon, the Restrictions ought to cease within the period proposed, and the Hon. and respectable Member, who had introduced it, had expressly stated a similar sentiment. How then could it be considered, that adopting the words "three years," to fill up the blank, under the construction that had been laid down, was making Parliament declare, that its opinion was, that the Restrictions ought to last for three years? With regard to the amendment proposed, would not the Hon. Gentleman, by what he was doing, defeat his own purpose?

The Hon. Gentleman had said, he moved an earlier day, that it might not appear to be the opinion of Parliament, that Parliament thought the Restrictions ought to continue three years. He should think the Hon. Gentleman would serve his purpose better by withdrawing his amendment, and letting the original motion be put. If, however, the Hon. Gentleman should persist in his amendment, the *Chancellor of the Exchequer* said, he should certainly give that amendment his negative.

Mr. Sheridan said, if the motion for filling the blank with the words "three years" were carried, the Right Hon. Gentleman had declared, that it would appear that it was not the opinion of the House that the Restriction should continue for three years; that

that was, Mr. Sheridan said, the most extraordinary opinion he had ever heard, and therefore he should certainly persist in his amendment.

Mr. H. Browne thought the Hon. Gentleman had misapprehended him; he did not say, he thought the Restrictions ought to last three years. He should have no objection to have had the blank filled up with the words "two years," if it should be approved; he, nevertheless, thought three years a very good time.

Mr. Powys said, if the Chancellor of the Exchequer would have had the goodness to have attended to his words, he would not have mistaken him. He had not stated, that the opinion of Gentlemen should be recorded, but that the clause would be recorded, with the limitation of three years in it, and, parliamentarily speaking, the inference from the words of the Bill would be, that it was the opinion of the House, that the Restrictions should continue for three years. From what he heard every day, Mr. Powys said, he hoped the necessity for the Bill altogether would be of much less time than even one year.

The Question was put, and the clause filled up with the words "three years," agreed to, and ordered to stand part of the Bill.

Mr. Sheridan said, he wished to propose an amendment in the body of the Bill. He would ask a question of the learned Gentleman whom he saw opposite to him, the answer given to which would shew whether the amendment was necessary or not. His Majesty had a power to grant a commission for opening Parliament, he desired to know whether the King had not power to invest those Commissioners with full regal authorities. He found, from the precedents with which they had been furnished, that in the case of Henry the Sixth, when the Duke of York was appointed to exercise the Royal Authority in Parliament, it might be done. What he wished to know then, was, whether the King could do the same thing by a general Commission, or whether, as in the case of Lord Hardwicke, in the year 1754, he must issue a second Commission to give the Royal Assent to any Bill or Bills?

The *Master of the Rolls* said, if the Hon. Gentleman meant to enquire, whether the King could delegate the whole of his authority by one Commission, he thought he could not do so. That was, he could not, for instance, make his Attorney General, King. To make any man King by Attorney, was a power that the King of England did not possess. With regard to the Commissions issued in Henry the Sixth's reign, in the cases of the Duke of Gloucester in the commencement, and the Duke of York in a subsequent period; in both those cases, the Commissions issued under the Great Seal, and were confirmed by Parliament. The Master of the Rolls pointed out the difference between

tween such a Commission, and Commissions issued by the Royal Authority.

Mr. Sheridan thanked the learned Gentleman for answering him in part, but he had reasoned rather than answered him entirely. *Mr. Sheridan* proceeded to put his case again, and maintained, that the Commission appointing the Duke of Gloucester to hold the Parliament, and give the Royal Assent to Bills, was a case in point. The King was then a minor, incapable of acting for himself, as our King was at present incapable, though from another cause. Was there not in the King a power, not only to issue a commission, investing Commissioners with authority to open Parliament, but to give the Royal Assent to a Bill, and to act in every instance with the Royal Authority.

The *Attorney General* said, he would answer the Hon. Gentleman in three words,—*the King cannot.*

A kind of question and answer conversation continued for some minutes, *Mr. Sheridan* persisting that he used sound reasoning, and the *Master of the Rolls* and *Attorney General* adhering to their doctrine, that a King of England had no power to delegate his whole authority.

At length the conversation was put an end to from the Chair, as disorderly.

U N I F O R M I T Y C L A U S E .

Mr. William Smith rose to move an amendment in the Uniformity Clause. *Mr. Smith* stated the harsh, illiberal, severe, and unjust penalties to which the Protestant Dissenters, among a variety of descriptions of sects, differing from the established church, were liable by the statute of Charles the Second. The chief of these penalties, he said, were, and had long been deemed obsolete, but they had never been formally repealed; the Protestant Dissenters lay, therefore, at the mercy of every informer. *Mr. Smith* stated some of these penalties and disabilities, one of which was, that a Papist should not practice the art of an apothecary in the city of London under a heavy penalty. *Mr. Smith* said, surely such a disability ought not to remain on the statute book! He mentioned several others, and at length stated his amendment, the object of which was no more, than to prevent any new difficulty being placed by the Regency Bill, in the way of the repeal of the Test Act, if application should be made for such a repeal hereafter. It might possibly, he said, be asked, why he had not proposed the amendment in the Committee the preceding evening? He had been ready to do it, he said, but those who would have felt it their duty to object to it, if they found it objectionable, had wished for a proper opportunity of reading the Act

Act of Uniformity, in order to see, if any part of that statute would be trencched upon by the amendment. Those persons, he understood, had since read that statute, and had found, that the amendment was perfectly free from objection on any such ground.

Mr. Smith moved the amendment, and Lord *Belgrave* seconded it.

The *Master of the Rolls* wished the amendment had been opened the preceding evening, and not moved thus, on a sudden, and at the very moment before the Bill passed. It was true, Sir Richard said, that there were, in the statute of Charles the Second, many severe penalties and unjust disabilities, several of which had been since repealed by the Act of Toleration in favour of the Protestant Dissenters, and he thought there were others remaining that ought to be repealed; but then, it ought to be done regularly, directly, and avowedly. At a fit time he should have no objection to assist in framing a proper Bill of Repeal. Sir Richard stated, that King William took an oath, that he would preserve the establishment of the Church of England, and he was called upon by the Church of Scotland, to give a security, that their establishment also should not be touched. The whole establishment of the Church was in the Act, and, therefore, he must object to the amendment *in toto*. He dared not meddle with it.

Mr. Smith spoke again in favour of the amendment, and said, he was willing to alter the wording of it, so as to remove objections. *Mr. Smith* said, there remained on the statute book penalties and provisions, that strongly partook of the spirit of persecution. He stated in particular, the penalties of persons convicted of having spoken in degradation of the Book of Common Prayer; the penalty on the first conviction was ten pounds, and if convicted a third time, the punishment was a forfeiture of goods and chattels, and imprisonment for life.

The *Chancellor of the Exchequer* said, he did not think the subject required the warmth that seemed likely to be applied to it. *Mr. Pitt* professed himself to be a zealous and firm friend to the established Church of England, and stated, that the object of the Hon. Gentleman lay in a narrow compass. He proceeded to describe it, and to mention the general heads of the Act of Uniformity. He also stated, that at the Reformation, there ancestors had not quite purged their Liturgies (of which their had been two or three different ones) from the superstition of the Romish Church. The offences created by the different states were, he said, indefinite; but the punishment was definite, and to a great extent. He mentioned several, and seemed a friend to the motion.

Sir

Sir George Howard thought the amendment proposed out of place, and that no alteration of Acts of so important and serious a nature ought to be done by a side wind.

Mr. Martin desired to give his thanks to the Master of the Rolls, for having promised the Protestant Dissenters his assistance in preparing a Bill to repeal some of the existing penalties and disabilities against them, on account of their religious opinions.

Mr. H. Browne did not think the amendment would do any good whatever; on the contrary, it might occasion a clamour among the people, who might think they had taken up the subject superficially. He therefore thought the Regency Bill should follow former Regency Bills in those points.

Mr. Addington declared, he was extremely anxious that the amendment should not be pressed to a division, as it did not come on regularly, and might injure the cause it was intended to serve.

Lord Belgrave having seconded the Motion, said a few words in justification of his having done so.

Mr. Smith said, as he perceived there was no desire in the House for a division, he should not press the Motion then, especially as another means of answering the same end had been proposed. But *Mr. Smith* could not admit that it was any argument to say, that because the Uniformity Clause had stood in three former Regency Bills, exactly as it did in the present Bill, therefore it ought to remain unaltered; upon that principle, an inexpedient provision would be multiplied *ad infinitum*, and repeated in every Bill that would justify its insertion to the end of time. The Motion was withdrawn.

Mr. Alderman Newnham said, it would shew a want of spirit in him if he did not oppose the whole Bill, excepting only that part of it which declared, that the Prince of Wales should be Regent. The Alderman said, he thought the provisions of the Bill disgraceful to the honour of his Royal Highness. The Alderman spoke of the virtues of the Prince, and said, he had been called to account the other day, because he had mentioned an act of his Royal Highness's benevolence, and an Hon. and learned Gentleman had complained of the ostentatious parade of the Prince's charity, and asked, if he had stated the fact with the knowledge of his Royal Highness? The Alderman said, he was at the time mentioning an act of public bounty, not an act of private charity of that kind, where the right hand ought not to know what the left hand did; he had, besides, used it as an argument against their locking up money from the Prince, as they did by that Bill.

The Alderman said, the Restrictions against making Peerages were limited to too long a time, and the reserving the household was the most absurd thing that could be imagined. For what

did they do by it? They gave splendour where it could not be seen, and took it away, where it was necessary to be exhibited. In fact, they gave the King what could not make him rich, and took from the Prince what made him poor indeed. The Alderman condemned the Resumption Clause, and said, he hoped, when his Majesty did come forward to re-assume the exercise of his Royal Authority, which he heatily wished he might soon do, he would come forward in a manner free from suspicion, and the minds of the people would be cleared. The Alderman gave a few more reasons for declaring his objection to the Bill.

Mr. Alderman Watson gave his explicit approbation to the Bill itself, and to the various clauses of the Bill, because they were consistent with his conviction, and that of his constituents. *Mr. Watson* took notice of an expression, which had, he said, called that distinguished class of men, the Merchants, Traders, and Bankers of London, *paupers*. At the time that the expression was used, the Alderman said, he was in a situation which rendered it impossible for him to take notice of it, without violating the forms and orders of the House [in the Chair of the Committee.] The Alderman took notice, also, of another expression which had fallen from another Hon. Gentleman, who had just left his place, [Mr. Powys.] That Hon. Gentleman would not have dared to have said those words had he been at liberty to have answered him. He did not choose to call for the protection of the House at the time, because he was conscious he could protect himself. The Hon. Gentleman had said, that he must submit to the *commands* of the Right Hon. Gentleman. *Commands!* The Right Hon. Gentleman had no commands but what were right. The Alderman delivered a warm panegyric on the Chancellor of the Exchequer in a poetical quotation, ending with an epitaph adapted to express an high sense of the worth and virtues on the remains entombed.

Mr. Sheridan said, the worthy Alderman had inverted the old rule, and had proceeded to panegyrize the present, and traduce the absent. With regard to the poetry, all of it might be grateful to the ears of the Right Hon. Gentleman, but the end of it; for he certainly did not desire that his epitaph should be yet the subject of delivery, with whatever graces of eloquence that delivery was accompanied.

Mr. Sheridan defended his two Hon. Friends from the worthy Magistrate's charges, both of which, he said, were founded in misapprehension; he explained, that when *Mr. Powys* had talked of *submitting to the Right Hon. Gentleman's commands*, he had himself addressed those words to the Right Hon. Gentleman, who happened to rise at the same time, and persisted in his resolution to speak first with some degree of haughtiness.

With

With regard to the word *paupers*, his other Right Hon. Friend could not have said so foolish a thing, as such an expression would have been, when applied to the Merchants, Traders, and Bankers of London. Mr Sheridan, after these explanations, went again into the Question that he had before put to the lawyers, grounding his second application upon a clause which he moved, the object of which was, to restrain his Majesty from granting any general Commission, investing the Commissioners with powers to open a Parliament, give the Royal Assent to Bills, &c. &c.

Colonel Phipps said, there needed not all the wisdom and knowledge to be gleaned from the learned dialogue, that the House had heard between Doctor and Student, to furnish an answer to the Hon. Gentleman's clause; he could not give his Hon. Friend a reason, why his clause ought not to stand in three words, but he believed he could do it in a very few sentences. The Colonel said, in the first place, no clause could possibly be received contrary to the general purview of a Bill, as expressed in the preamble. If the Hon. Gentleman would look to the preamble, he would not find a single word about placing Restrictions on his Majesty's exercise of his Royal Authority, when he had an undoubted right to exercise it. The Hon. Gentleman reminded him of what he had often seen done by Gentlemen on that side of the House. It was customary with the Hon. Gentleman to cast personal motives on them, for things never intended, and afterwards to be themselves the persons to introduce most mischievous propositions. If it were necessary, the Colonel said, to restrain the power of the Crown, let it be done after his Majesty's recovery, not while he is lying on his bed of sickness.

Mr. Sheridan replied, and brought on the discussion of the question of Law; Colonel Phipps, the *Attorney General*, the *Master of the Rolls*, and the *Chancellor of the Exchequer* took part in it. Some allusions having been made to what was said in the other House in the course of the conversation, Mr. Martin complained of the extent of disorder that House had, of late, been going into; Gentlemen, he said, were repeatedly referring to what had passed in former debates, and to allusions to what was said in the House of Lords, a practice totally in defiance of the wisest and most established orders of the House. Mr. Martin earnestly intreated the Speaker to exert the authority of the Chair in future, to check and prevent the growth of an evil, which, if not put a stop to, would throw their proceedings into great confusion.

The Speaker thanked the Hon. Gentleman for having reminded the House and him, of a practice that he had seen resorted to but too often, with the greatest concern. The Speaker declared he was conscious, that to watch and prevent such breaches

breaches of order was, he well knew, one of the most essential and most important duties of every person, on whom the House had conferred the honour of placing in the situation in which he had lately had the honour to be placed, and he could assure the House, that if they would favour him with their support, they should not, in future, find him remiss in the discharge of this necessary part of his duty.

The Question was put on Mr. Sheridan's clause, and negatived.

Mr. Brandling said, a kind of miscellaneous conversation having taken place, he thought it his duty, to his constituents, to declare, that he approved of the whole of the Bill. *Mr. Brandling* spoke in terms of warm praise of *Mr. Pitt's* conduct throughout the proceeding, and in particular of his having agitated and brought to a decision the Question of Right, a Question so important to the constitutional privileges of the two Houses of Parliament.

Mr. Brandling concluded with a declaration, that so satisfied was he in his conscience with the wisdom and rectitude of the measures, he had supported during the late Parliamentary discussions, that he should cheerfully submit his conduct to his constituents, and rest his hopes of their future favour on his confidence in their approbation.

Mr. Grey rose to assert, what, he said, he ever would assert, as often as the subject was agitated, viz. that no right whatever to exercise the Royal Authority, independent of the Authority of Parliament, had been claimed or even asserted. His Right Hon. Friend had stated it to be his opinion, that such a Right existed, but he had expressly declared, at the time, that he mentioned it merely as his private opinion, and without any authority whatever.

With regard to the Hon. Gentleman's determination to justify himself to his constituents for his conduct, in order to notify which, he had thought proper to rise at that last stage of the business to defend the Bill; the Hon. Gentleman need not have done so, since the list of voters that had been printed, might have shewn them what the Hon. Gentleman's conduct had been. The Hon. Gentleman, however, had now given no reason whatever for his having supported the Right Hon. Gentleman, unless, a panegyric on the Right Hon. Gentleman, not so poetical, indeed, as that of the worthy Alderman, but not less warm, could be called a reason.

A few words in the nature of the retort courteous passed between *Mr. Brandling* and *Mr. Grey*, who are relations, and after a short speech from *Sir Charles Gould*, the Bill passed, and was ordered to be carried up to the House of Lords this day.

The

The House adjourned till Monday next, and then rose, it being near Eight o'Clock.

FRIDAY, FEBRUARY 13.

HOUSE OF LORDS.

THE *Chancellor of the Exchequer*, attended by several other Members of the House of Commons, presented a Bill, "To provide for the care of his Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of his Majesty's illness."

The *Lord Chancellor* brought up the Bill, and acquainted the House with the message.

Lord Sydney then moved to have it read a first time, which was done. His Lordship next moved to have it printed, which was also ordered.

Lord Sydney afterwards gave notice, that he would, on Monday next, unless some satisfactory reason was then given to the contrary, move to have the Bill read a second time.

The House adjourned till Monday next.

MONDAY, FEBRUARY 16.

HOUSE OF LORDS.

REGENCY BILL.

AS soon as prayers were over, and the *Lord Chancellor* had taken his seat on the woofsack, *Lord Sydney* moved, that the Bill, intitled, "An Act to provide for the care of his Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of his Majesty's illness," be read a second time, the Bill was read accordingly for the second time, and on the Question being put, "that this Bill be committed,"

The *Duke of Grafton* said, he felt himself in an awkward situation, rising then, for the first time, to speak to a Bill of so much critical importance, the chief parts of the ground-work of which had undergone so large a discussion in both Houses of Parliament,

that many of their Lordships had delivered their sentiments upon the subject, and perhaps most of them had sanctioned those sentiments by their votes; but anxious as he felt to avoid misrepresentation, when the propensity to misrepresent was so powerful, he might almost say so irresistible, that even what appeared to him to have originated in the best and purest motives, had been, in a most extraordinary manner, imputed to the worst and the most sinister; and fearful as he was, lest it should not be thought the whole of the system of measures that had been pursued, in the difficult and singular situation in which the nation had found itself involved, in consequence of his Majesty's unfortunate illness, had his entire and hearty concurrence; he could not resist seizing upon that single opportunity of doing that, which he had been again and again prevented from, by repeated fits of illness, viz. delivering his sentiments on the principle of the Bill then under consideration. Accustomed as he had been, for many years back, to trouble their Lordships on almost every subject that came before them, he would not, his Grace said, waste the time of the House by expatiating on the possibility of his being deprived of the power of attending the future discussions of the Bill by returning illness, and he would promise them, that he would not trespass on their patience, by going improperly into any argument respecting particular clauses, that might occasion present debate, when they ought more fitly to be reserved for future discussion. He meant merely in a general way to state his sentiments, not of parts of the Bill, but of the whole of the system of measures that had been adopted, declaring, that he heartily approved of it, as in his judgment most consonant with the true principles of the Constitution. It had been extremely proper, in his Grace's opinion, for Parliament to have those precedents in view, which had been collected, and submitted to their consideration, though perhaps they were chosen from times, not precisely such as ought to be made the ground of immediate proceeding, under the calamitous circumstances of the moment. In fact, the measures that had been judiciously selected and adhered to with so much perseverance, but at the same time with so much firmness, till they had been reduced into the regular form of a Bill, seemed to him to be wisely adapted, to supply the temporary defect in the form of our government, and to be such as the remaining three Estates, consisting of the Nobility, Clergy, and Commons of England (speaking by their proper voice, that of the Representatives of the People) could best take to provide for the deficiency of the fourth Estate, and such as they owed the Sovereign, and to the regard that was due from them to the interest of every subject of the kingdom; different measures, he was satisfied, could not have been followed without injustice to the Sovereign, and danger to the country. There was one point,

point, his Grace said, to which, though he meant not to go into any discussion, he would just say a word or two; and that was, the clause, that declared that nothing contained in the Bill, should be construed to extend to empower the Regent, in the name and on the behalf of his Majesty, to give the Royal Assent to any Bill for repealing the Act of Uniformity, or the Act of the fifth of Queen Anne, passed at the time of the Union, for securing the Presbyterian church government of Scotland. The Duke desired, that by giving his approbation to the Bill, he might not be considered as declaring his opinion, that the Act of Uniformity was infallible, or that it ought not, at any future period, to be rendered a subject of discussion and re-consideration. The original framers of the Act of Uniformity, he was persuaded, by no means intended it to be so regarded; but being actuated by the best motives, designed to frame the Act on the wisest principles; and being conscious of having done so, had thought it could not too often be brought under discussion. His Grace said, the Dissenters, he was convinced, deserved every reasonable consideration on the part of the Legislature, and were entitled to every degree of candour and liberality, that should be found consistent with true policy. He repeated it, therefore, to be his firm opinion, that the door ought not to be shut to all future discussion of the Act of Uniformity, and that, however, it might be deemed proper to give place to the clause respecting that Act, that made a part of the present Bill, it might not go forth to the public as a final decision of Parliament upon the subject. He could easily conceive, that it had been difficult to decide under circumstances so new and so embarrassing, upon what was the proper and most constitutional mode of proceeding, and therefore, his Grace said, he gave those who differed in opinion upon the subject, and opposed the Resolutions on which the Bill then before them was founded, full credit for having objected upon principles perfectly honourable and pure; he trusted, however, that those to whom he alluded would have the candour to give him the same degree of credit, that he was willing to allow them, and to believe, that his motives were equally sincere and free from question. His Grace concluded with declaring, that he would not have troubled their Lordships in that state of the Bill, had he not feared, that giving a silent vote upon it, might cause him to be misrepresented, and that it might be conceived he was lukewarm on a subject on which he was most warm, and which, both in principle and application, he very sincerely approved.

Lord Southampton said, he was extremely embarrassed in rising to differ with the noble Duke, and the more so, when he found himself obliged to differ with him on the principles of the Constitution. He had long, his Lordship said, been accustomed to bow with reverence to the political system of the noble Duke,

and from a consciousness of his superior knowledge and ability to make the noble Duke's sentiments on public affairs his own political creed; but on the present occasion, so far from thinking with the noble Duke, that the measures that had been pursued, and which had been rendered the ground-work of the Bill, were consonant to the true principles of the Constitution, he considered them as the most *nefarious* measures, the most unconstitutional, and most dangerous that had ever been adopted. He felt, like the noble Duke, as a warm friend to his country, a warm friend to his Sovereign, a warm friend to his Royal Progeny, and a warm friend to every thing that ought to be held sacred in the Constitution; and he would appeal to the noble Duke's candour, whether, if he were Minister to carry on a government, under such Restrictions as the Bill imposed on the Regent, he could pretend to conduct a government, so as to render it beneficial to the people, or advantageous to the interests of the empire. He declared he had ever acknowledged, with gratitude, the salutary effects of the noble Duke's administration, and the public had concurred in bestowing their cordial applause on no one measure of that administration in a greater degree, than the restraining the East India Company in respect to their dividends. That wholesome measure had proved the salvation of the Company, and in consequence, of most essential service to the interests of the public in general. Would the noble Duke undertake to say, that acting as a Minister under the Restrictions of the Bill then under consideration, it would have been possible for him to have carried the salutary measure, to which he had alluded, into effect? The noble Duke well knew, that the great cause of his leaving office had been, his having found by experience, that the power of the Crown was not sufficient to enable him to carry on a government of efficacy and of vigour; how then could it be expected, that the Regent should be able to carry on such a government with mutilated and diminished powers? His Lordship said, he spoke not under the influence of party prejudices; he felt no prejudices in favour of this or that particular man; whoever governed the country best, and most advantageously for the people, was the Minister under whose banners he was ready to enlist; but as he could not think of the measures that had been pursued, as the noble Duke did, sorry as he was to differ from him in political opinion, he felt it his duty to do so on the present occasion; in friendship, he hoped, he should never differ with the noble Duke, but that they should continue to live in the same unison and harmony, that had constituted, for so many years, the chief happiness of his life.

TUESDAY,

TUESDAY, FEBRUARY 17.

HOUSE OF LORDS.

REGENCY BILL.

THE order of the day being read, for the House to resolve itself into a Committee on the Bill, intituled, "An Act to provide for the care of his Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of his Majesty's illness." The Lord Chancellor left the woolsack, and Lord Walsingham went to the table as Chairman of the Committee.

The Committee proceeded to debate the several clauses, clause by clause.

Lord Osborne (Marquis of Carmarthen) proposed an amendment in the first clause, the object of which was, to insert words, confining the delegation of authority to the Prince of Wales to govern the kingdom, under the stile and title of Prince Regent, "to the period of the duration of his Majesty's indisposition, and until the issuing the Proclamation, declaring his Majesty's resumption of the personal exercise of the Royal Authority, as in manner herein-after provided."

This amendment, after some conversation between his Lordship, *Lord Portchester*, *Lord Randon*, and the *Duke of Norfolk*, was agreed to.

The several clauses following the first were agreed to, without occasioning any animadversion.

When the clause "restraining the Regent from giving the Royal Assent to any Bill or Bills for repealing or changing the order of Succession to the Crown, as the same stands established by the Act of Settlement, or to any Act for repealing the Act of Uniformity, or the Act for securing the Presbyterian church government of Scotland" was read, a good deal of conversation ensued.

The *Duke of Norfolk* and *Lord Portchester* contended, that restraining the Prince Regent from giving the Royal Assent to any Bill for repealing the Act of Settlement, was an unnecessary Restriction, as it was not to be imagined the Prince, as Regent, would injure his own interests as Heir Apparent to the Crown.

Earl Stanhope said, their Lordships had come to the most important part of the Bill. Any person who looked into the Act of Parliament referred to in the clause, must, his Lordship said, be of opinion, that the clause was ill-worded. In the first place, the Act of Charles the Second was not an Act of the 13th, but of

of the 13th and 14th of that reign. Next, in that act there was a clause which re-enacted and confirmed all the Statutes that were replete with persecutions of the most harsh and severe nature. He wished, his Lordship said, to qualify the wording of the clause, so as to leave the door open to discussion; and if it should hereafter be the sense of Parliament to repeal, not the Act of Uniformity, but all the persecuting Statutes referred to by a clause in that Act; and he said, he had some authority for the amendment, that he should move, the Hon. Gentleman who brought up the Bill, and delivered it at their Bar, and who had likewise brought it originally into the other House, of Parliament, having seemed to approve of such an alteration. His Lordship here read the enacting clause in the 13th and 14th Charles II. cap. 4.

13 and 14 Charles II. chap. 4 (called the Act of Uniformity) Sec. 24. "The several *good laws and statutes* of this realm, which have been formerly made, and are now in force, for the Uniformity of Prayer and Administration of Sacraments, shall stand and be *in full force and strength, to all intents and purposes*, for the *establishing and conforming* the Book of Common Prayer annexed to this Act. *And shall be applied, practised, and put in use for the punishing of all offences* contrary to the *said Laws*, with relation to the book aforesaid, and no other."

They had, his Lordship said, had many different Common Prayer Books at different periods, and the clause he had just read re-enacted all the Acts referring to all those different Common Prayer Books, and were many of them as scandalous Statutes as ever disgraced a Statute Book; and were clearly passed in the days of darkness and ignorance, by those who had as little religion as humanity. Some of them contained rank blasphemy, as he would convince their Lordships, by reading an abstract from one of them. His Lordship read in this place the following abstract.

2d and 3d Edward VI. cap. 1. recites, that the Archbishop of Canterbury, and certain Bishops, and other learned men had been appointed by the King's Uncle, the Lord Protector and other of his Highness's Council to draw, and make one convenient and meet order, rite, and fashion of common and open prayer and administration of the Sacraments to be had and used in his Majesty's realms of England and Wales; the which at this time, *by the aid of the Holy Ghost*, with one uniform agreement, is of them concluded, set forth, and delivered to his Highness, to his great comfort and quietness of mind, in a book intituled "The Book of Common Prayer, and administration of the Sacraments and other Rites and Ceremonies of the Church, after the use of the Church of England."

Sec.

Sect. 2. Enacts, That if any Person or Persons whatsoever, after the feast of Pentecost then next coming, shall, in any interludes, plays, songs, rhymes or by other open words, declare or speak any thing in the derogation, depraving, or despising of the same book, or of any thing therein contained, or any part thereof, shall (for the first offence forfeit ten pounds, for the second offence twenty pounds, and for the third offence shall) forfeit all his goods and chattels, and suffer imprisonment during his life.

His Lordship commented on this declaration, that the Common Prayer Book, referred to in the above abstract, had been written with the assistance of the Holy Ghost, and then said, that in the very same reign, by a subsequent Statute, a new Book of Common Prayer was set up, as appeared by

5th and 6th Edward VI. chap. 1. sect. 5. (speaking of the Book of Common Prayer, of 2d and 3d of Edw. VI.) Therefore, as well for the more plain and manifest explanation hereof, (the same, observed his Lordship, being unintelligible) as for the more perfection of the said order of the common service, in some places (though the same had been best established by the Holy Ghost, as stated in the former Act of Parliament) where it is NECESSARY (not merely expedient and proper, but, from its absurdity, necessary) to make the same prayers and fashion of service more earnest and FIT to stir Christian people to the true honouring of Almighty God (the book of the Holy Ghost being quite unfit for that purpose.)

(Infamous blasphemy!)

The King (with the assent of the Lords and Commons) has caused the Book of Common Prayer to be explained, and made more fully perfect.

Sect. 2. If any person shall willingly bear and be present at any other manner or form of Common Prayer, than is set forth in the said Book (annexed to this present Statute) shall, for the first offence, suffer imprisonment for six months, without bail, or mainprize; for the second offence, imprisonment for one whole year; and for the third offence, imprisonment during his or their lives. (Even, therefore, if present when the Book of the Holy Ghost is read. How barefaced and infamous?)

His Lordship mentioned the various Statutes that were alluded to in the general Clause of Reference in the 13th and 14th of Charles II. sect. 24. in the following order, commenting on them as he mentioned them.

The said Acts (viz. 2 and 3 Edward VI. and 5 and 6 Edward VI.) repealed by 1st Mary, Sect. 2. chap. 2.

And 1st Elizabeth, chap. 2. sect. 2. revives 5 and 6 Edward VI. as to Book, with alterations and additions. This, his Lordship observed, was the third Book.

Sect,

Sect. 26. Enacts, that the Queen, by advice of certain Commissioners or the Metropolitan, may ordain further rites and ceremonies.

Therefore, the order of the Common Prayer Books were, first, Holy Ghost, but last, in consequence, next Parliament, next the Queen and Archbishop of Canterbury.

Sect. 9. Depraving 3d Book. 100 Marks first Offence.

Sect. 10. Second Offence 400 Marks.

Sect. 11. Third Offence, forfeiture of goods and chattels, and imprisonment for life.

Sect. 16. Church censure against persons offending against this Act.

5th Elizabeth, chap. 23, specifies the cases in which an excommunicated person may be imprisoned, by means of the Writ *de Excommunicato Capiendo*.

Sect. 13. specifies said cases as follows :

5th Elizabeth, chap. 23. " An Act for the due execution of " the Writ *de Excommunicato Capiendo*." Sect. 13. And that if the offender, against whom any such Writ of *Excommunicato Capiendo* shall be awarded, shall not, in the same Writ of *Excommunicato Capiendo*, have a sufficient and lawful addition, according to the form of the Statute of *Primo* of Henry the Fifth, in cases of certain suits, whereupon process of *Exigent* are to be awarded : or if, in the *Significavit*, it be not contained, that the excommunication doth proceed upon the same cause or contempt of some original matter of *Heresy*, or refusing to have his or their child baptized, or to receive the *Holy Communion*, as it is now commonly used to be received in the Church of England, or to come to *Divine Service* now commonly used in the said Church of England, or error in matter of Religion or Doctrine now used and received in the said Church of England, *Incontinency*, *Ufury*, *Simony*, *Perjury* in the Ecclesiastical Court, or *Idolatry*; that then all and every pains and forfeitures limited against such persons excommunicated by this Statute, by reason of such Writ of *Excommunicato Capiendo*, wanting sufficient addition, or of such *Significavit*, wanting all the causes aforementioned, shall be utterly void in law ; and by way of plea to be allowed to the party grieved.

1st Elizabeth, chap. 2. sect. 14. Every person to go to church every Sunday or Holy Day, or to forfeit twelve-pence.

23 Elizabeth, chap. 1. sect. Every person above sixteen, not going to church for a month, shall forfeit for every month 20l. and shall, in twelve months, be bound, with two sufficient sureties, in 200l. at least, for his good behaviour.

Sect. 11. Imprisonment if he cannot pay.

35 Elizabeth, chap. 1. sect. 1.

Person refusing to go to church to be committed till he does go.
(To

(To chooe between a cathedral and a prison.)

Sect. 8. Keeping in one's house a recusant, 10l. per month.

(Therefore for *each* servant, visitor in the country, &c.)

3 James I. chap. 4. sect. 11. (20l. enough for a man who cannot pay twenty shillings, sufficient cruelty.) That the penalties may be raised, said the Act, "in better proportion upon men of great ability." It therefore enacts, that the King may refuse the 20l. per month, (incurred for not going to church) though the same be *legally tendered*, and may take *two parts out of three* of all the *lands, tenements, and hereditaments* of the said vile offender.

Sect. 32 and 33. Having a Recusant in his house, forfeit 10l. per month.

Sect. 34. Humane proviso in favour of father and mother *wanting other habitation*.

(If they do not want other habitation, even father and mother are to be turned head and shoulders out of doors.)

Sect. 39. Ecclesiastical Jurisdictions reserved against offenders against this Act.

13 and 14 Charles II. chap. 4. sect. 2. (4th Book of Common Prayer.)

Sect. 24. Applies all the *good* laws then in force for persecution to the *new* book.

29 Charles II. chap. 9. An Act for taking away the Writ *de Heretico Comburendo*. (Sect. 11. Hereticks not to be burnt to death) but in sect. 2. curious proviso.

1 William and Mary, Stat. 1. chap. 18. Toleration Act confirmed by 10 Anne, chap. 2. extended by 13 George III.

These said laws were not repealed, but were in force, not as to *all* Dissenters, but in force as to *all persons of the Church of England*, and some classes of Dissenters. He mentioned also the

27 Henry VI. Act for pardoning *all* Priests "for all manner and kind of felonies and rapes by them perpetrated."

His Lordship made a variety of pointed animadversions in the progress of his mention of the several statutes above referred to, and in particular stated, that passing ecclesiastical censures on persons refusing to go to church, and punishing them for idolatry, was directly contrary to Magna Charta. It might do for the clergy, but not for laymen. Magna Charta said (9 Henry III. cap. 29.) "No freeman shall be taken or imprisoned, or be disseized of his freehold, or liberties, or free customs; or be outlawed or exiled, or any otherwise destroyed; but by the *lawful judgment of his Peers*, or by the *law of the land* (*vel, per legem terræ*)." In the course of his speech, his Lordship said, he did not mean to propose any thing respecting the abominable Acts of Parliament that he had referred to; but he had resolved, at a future and more fit opportunity, to call their Lordships' serious

rious attention to the subject, having undergone the drudgery of going through the whole statute book, and found that there were no less than *three hundred Acts* in it upon religion. He did not wish materially to alter the clause, he only desired to leave the Question open. As the clause then stood, the Prince Regent might repeal Magna Charta, the Habeas Corpus Act, or Mr. Grenville's Bill for trying controverted Elections, and the best and most useful statutes ever passed, but he could not repeal the worst, not even that most barefaced statute of Henry the Sixth, which forgave the Clergy all the felonies and *rapes* that they had committed. That Act, he said, was less infamous than several of those, which he had mentioned, because it only pardoned the guilty; whereas those, to which he had referred, punished the innocent. His Lordship concluded with reading the opinions of Lord Chatham and Lord Mansfield (two of the greatest men that had ever lived, though they were known to have acted on very opposite principles) on the subject of toleration in matters of religion.

The late Earl of CHATHAM'S SPEECH in the House of LORDS on the DISSENTERS BILL.

"The Reformation has *laid open the Scriptures to all*—let not the Bishops shut them again. Laws, in support of ecclesiastical power are pleaded for, which it would *shock humanity* to execute. It is said, that *religious sects* have done great mischief, when they were not *not kept* under strict restraint. History affords *no proof* that sects have ever been mischievous, when they were *not oppressed and persecuted* by the ruling church."

Lord Mansfield, in the House of Lords, in the case of Allen Evans, as reported by Dr. Richard Burn, in his *Ecclesiastical Law*, title *Dissenters*, "What bloodshed and confusion have been occasioned from the reign of Henry IV. when the first penal statutes were enacted, down to the Revolution in the kingdom, by *laws made to force conscience*! there is nothing certainly more unreasonable, more inconsistent with the *rights* of human nature, more contrary to the spirit and precepts of the *Christian religion*, more iniquitous and unjust, more impolitic *than persecution*. It is against *natural religion*, against *revealed religion*, and sound policy. Sad experience, and a large mind, taught that great man, the President de Thou, this doctrine. Let any man read the many admirable things, which (though a Papist) he hath *dared to advance upon the subject*, in the dedication of his History to Henry the IVth of France," which, says Lord Mansfield, I never read *without rapture*; "and he will be *fully convinced*, not only how *cruel*, but how impolitic it is, to persecute for *religious opinions*."

And

And the late Earl of Chatham, in a letter to the Rev. Dr. Price, says, "It is impossible to be writing to Dr. Price, without the mind going of itself, to that most interesting of all objects, to fallible man, *toleration*. Be assured, Sir, that on this *sacred unalienable right* of nature, and bulwark of truth, my warm wishes will always keep pace with your own." His Lordship ended with moving an amendment similar in substance and effect to that moved in the House of Commons by Mr. William Smith last Thursday.

Earl Bathurst said, he rose merely to speak to a Question of form. Whenever an Act of Parliament passed in a session, part of which session was held in the end of one year, and part of in the beginning of the next year, unless the period of the commencement of the Act was otherwise especially enacted in the Bill itself, the time of its operation always was from the beginning of the session, and, therefore, an Act that had passed in a session, held in the thirteenth and fourteenth years of Charles the Second, was described with precision, when it was termed an Act of the thirteenth year of the reign of King Charles the Second.

Lord Hawkesbury said, he held in his hand the Act of Union, which was generally deemed to be a statute that had been drawn with more than an ordinary share of accuracy, and, in that Act, the Act of Uniformity was expressly called an Act passed in the thirteenth year of the reign of Charles the Second.

Earl Stanhope said, their Lordships would see that the Act of Uniformity was set down, as having passed in the fourteenth year of the reign of Charles the Second, in the Common Prayer Book on their Lordships table. And as to the idea, that the Act of Uniformity had, in various statutes, been termed erroneously an Act passed in the thirteenth year of Charles the Second, that was no reason, his Lordship said, that the error should be continued in every Act.

The *Archbishop of Canterbury* said, he rose not to enter into any argument with the noble Earl respecting the statutes referred to in the enacting clause of the thirteenth of Charles the Second; much less was he disposed to stand up the defender of those statutes. He considered their discussion, however proper hereafter, as wholly out of time at present, and was convinced, that the main subject of the Bill was of sufficient magnitude to occupy the whole of their Lordships attention. He had, besides, hoped to persuade the noble Earl, that he had not examined the subject of the Act of Uniformity, with the degree of accuracy that was due to a matter of such moment, by shewing his Lordship before hand, that he had omitted to take notice of several points essential to be considered and remarked in a general view of that question. His Grace proceeded to state, that the several

matters cognizable and punishable by the statutes mentioned by the noble Earl, as those referred to in the enacting clause of the Act, for the Uniformity of public prayers, were applicable solely to the conduct of Ministers of the Church of England, who having taken an oath, to uphold and maintain the Book of Common Prayer, were declared punishable in the manner proposed by those statutes, if they held doctrines derogatory of that Book of Common Prayer, which they had solemnly sworn that they would uphold and maintain. With regard to the offences themselves, the noble Earl, his Grace observed, had not contended that they ought not to be the subject of some restraint; but had only argued against the excess of the restraint, and the severity of the punishment provided by the statutes in question; and upon this principle, and no other, his Grace remarked, the noble Earl had objected to them all. With regard to the penalties on conviction of not going to Church, they had been repealed in favour of the Dissenters by the Act of Toleration. After a few cursory, but pointed animadversions on those circumstances and illustrations of the Question of the penalties, &c. (to which the ecclesiastics of the Church of England were liable by a variety of obsolete statutes) that the noble Earl had omitted to take any notice of, his Grace concluded with declaring, that what his Lordship suggested, amounted in his mind, to a pretty certain proof, that the noble Earl had not given the subject due consideration.

Earl Stanhope said, every friend to toleration would be happy to hear the sentiments of the Right Rev. Prelate. The Rev. and learned Lord had, however, misconceived his meaning; the object of his amendment was, not to make any alteration then, but to leave the subject open to discussion, as it was a subject of too much magnitude to be concluded by a side wind, which was an idea that no man ought to countenance. The Right Rev. Prelate, his Lordship observed, had mentioned several things that he had omitted. He had omitted them, his Lordship declared, on purpose, because he was not going to propose any thing respecting them at that time, but because the clause ought not to stand as it did. It might as well enact, that the Regent should not alter the *Habeas Corpus* Act. Who thought that he meant to do it? Or who thought that he was more likely to alter the Act of Settlement?

The *Bishop of Salisbury* said, the noble Earl had declared, that he meant to bring the subject of those statutes that were referred to in the thirteenth of Charles the Second under discussion; whenever he did so, his Lordship said, he should be glad to hear what the noble Earl had to say upon the subject. When the noble Earl had talked of the persecuting spirit of those statutes, would not any one who heard his Lordship, have imagined that they were prosecuting upon those statutes with the utmost rigour? So far
from

from it, those statutes had long been buried in oblivion, and, in all probability, would have remained so, had not the noble Earl chosen to have called them forth to their Lordships recollection. Let the noble Earl produce a single instance in which any one of those statutes had been put in force for more than a century past ! The moderation of the Church of England was, his Lordship said, her boast and her chief pride. With regard to the part of the clause in the bill, which restrained the Regent from giving the Royal Assent to any Bill or Bills for the repeal of the Act of Settlement, and the Act for the Uniformity of Public Prayer, such a restriction was, in his mind, equally wise and expedient, because it should be recollected, that the Regent having a delegated power, he ought to be restrained from doing that which no authority but that of the King upon the Throne ought to be able to effect. As he was then addressing the Committee, his Lordship said, he would take the opportunity of declaring, that every vote he had given in the progress of the business then under their consideration, was a vote arising out of the clearest conviction of his mind, that the system was a wise system, founded in constitutional principles, and adapted to the exigency of the case with the utmost prudence and foresight. He was, his Lordship thanked God, perfectly independent. The goodness of Providence, and the bounty of his Sovereign, had set him above the reach of party influence ? He spoke, therefore, and acted in that House, merely as his conscience dictated ; and so satisfied was he of the excellence of the measures that had been pursued, that he could not sit down without giving his thanks to the two great men who had piloted the vessel of State through a stormy and turbulent sea, with so much manly perseverance and immovable firmness, that the present age could not but look up to them with astonishment ; nor was it possible for posterity to consider their conduct, without feeling an equal mixture of esteem and admiration.

The *Bishop of Gloucester* followed the Bishop of Salisbury, and spoke with similar expressions of feeling respecting the thirteenth of Charles the Second, and the penal statutes referred to in the enacting clause of that Act, the objects of which, his Lordship remarked, went merely to enforce obedience to the rules and forms of the Church of England in the ecclesiastics of that Church.

Earl Fitzwilliam said a few words in favour of Lord Stanhope's amendment.

The Earl, last mentioned, however, consented to let his amendment be negatived, without urging the Committee to a division, declaring he was satisfied with having brought the subject under their consideration, and desiring it to be remembered, that no one of the Reverend Prelates, who had spoken on the occasion,

had attempted to defend or justify the statutes to which he had referred.

The Question being put, and the clause ordered to stand as it was in the Bill, the Committee proceeded, and the Residency, Marriage, and Peerage clauses, were severally ordered to stand. The Question was put on the last, but no division had.

Lord Radnor moved as an amendment to the next proviso (that enabling the Regent to grant the rank of Peerage to such of his Majesty's Royal issue as should have attained the full age of twenty-one) to add the words, "and shall be actually resident in Great Britain."

Lord Stormont said, he hoped by the amendment, it was not proposed to restrain the Regent from granting a Peerage to any one of the Royal Family as should be of full age, who might be employed abroad in a military capacity, in the public service.

Lord Radnor said, as soon as he returned into this country, he would be capable of taking it.

After some farther conversation, the Committee divided on the amendment.

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The amendment therefore was carried.

The Committee proceeded with the other Clauses, and made several amendments in the progress of the different clauses.

That respecting the Civil List revenues occasioned a good deal of conversation between *Lord Stormont*, *Lord Hawkebury*, *Earl Fitzwilliam*, the *Duke of Richmond*, *Lord Portchester*, and *Lord Radnor*.

At length the Committee came to the clause investing the Queen with the care of the King's person, when *Lord Osborne* moved to insert, "and such of the Royal issue as have not attained the age of twenty-one," which was agreed to.

Lord Rawdon then rose to offer another amendment in the same clause; but it being proposed to report progress, and adjourn the Committee, it was agreed upon, and the House rose immediately afterwards, it being Nine o'clock.

WEDNESDAY, FEBRUARY 18.

HOUSE OF LORDS.

REGENCY BILL.

THE subject of the clause which was this day debated, having been so amply discussed, as to afford scarcely any fresh argument.

ment. It was therefore deemed rather unnecessary, to preserve more than what seemed to wear the greatest appearance of novelty, and to be at the same time worth attention, either from its force of argument, or the clearness of its application.

As soon as the order of the day for resuming the Committee had been read, and Lord Walsingham had taken his seat at the table,

Lord Rawdon rose, and after stating to the Committee, that the clause giving her Majesty full power over the King's Household, was setting up an authority in direct opposition to that of the person holding the executive Government; reminded their Lordships, that they, with whom he acted, had objected to the Restriction on which that clause was founded, when it had been first proposed. That its object since had been explained, and that now they knew what that object was, their objections was substantiated. He recapitulated the three heads of argument that had, in former debates, been advanced in support of it. The keeping the Officers in their situations, separate from the controul of the Regent, his Lordship contended, could not add any thing to the comfort and satisfaction of his Majesty, in his present unhappy situation, while the depriving the Regent of the attendance of Officers, was taking away from that state and splendour of personal appearance, that were so necessary to his dignity. His Lordship said, he addressed not his argument to their Lordships, or to philosophers; they knew that obedience was due to Government from those who were governed, whether the person of the Governor was surrounded with splendour or not; but the multitude felt differently; with them it was necessary to work upon their prejudices, and to procure subordination and respect by the dazzling lustre of appearances. It had been said, that although the Household was withheld from the Regent, yet a substitute was to be provided suitable to the rank and importance of his office; but he well knew the feelings of his Royal Highness upon that subject, and it was a matter of deep regret to him, that his taking upon himself the Government of the kingdom during his Majesty's illness, was to throw a new weight upon the nation. His Lordship contended, that this proposition was erroneous in every point of view. During his Majesty's illness, the question resulted, would they have a Government or not? The Bill said, what the people felt, viz. that a Government was necessary, but how could a Government go on with the combination in the Bill, the provisions of which had proceeded from a false but generous principle of attachment to the Sovereign? No part of it was, in his mind, more reprehensible than the clauses respecting the Queen. They were going to give her Majesty a power and government of money to an extent she had never known before, and which, of course, was liable to great abuse. The Prince, his Lordship said, had an evident interest in the due

management of the several concerns intrusted to the Queen, but her Majesty had no interest whatever. His Lordship added a variety of other pertinent observations stated with great ingenuity, and at length concluded a very able speech with moving to insert the words, "also the Direction and Government of" words to the following effect "such part of his Majesty's Household as shall be deemed necessary to attend on his Majesty during his illness." His Lordship explained, that if this amendment should be carried, he designed to follow it up, by moving *seriatim*, what Officers of the Household he meant to place under her Majesty's power and controul.

The *Earl of Hopetoun*, in a speech of considerable length, objected to the amendment, and adduced a variety of arguments to shew, that it tended to introduce a new arrangement, totally foreign from that which the House had already discussed and argued, and such as, in all probability, they would not be disposed to make. His Lordship reminded them, that the whole Bill was founded on the principle, that it was a temporary measure calculated to answer a temporary purpose; whereas it was obvious, that the proposed amendment proceeded on a permanent principle. That his Majesty's indisposition was to continue long, the *Earl* said, was neither consonant to their Lordships feelings, nor to the feelings of the country. It was, in his mind, improper to separate the Officers of the Household, and divide them into classes. He had no objection to giving the Regent not only all the necessary authority for carrying on the Government, but all the splendour and brilliancy that the dignity of the high Office of Regent required. They were to recollect, that they were putting the Prince's hand on the Chair of State, not placing his foot upon the Throne. It was said, his Lordship observed, that what was given to the Queen, was taken from the Government. He denied the truth of the assertion, and contended, that the idea of influence in either House of Parliament, attending the nomination of places in the Household, was unparliamentary, and that the Government that depended on such a petty and circumscribed support, as that paltry pittance of influence, must be a poor and miserable Government indeed!

The *Earl of Radnor* said, the noble Lord had not explained the whole extent of his amendment, and till he heard what it was to lead to, and knew its full extent, it was impossible for him to say, whether he could support it or not.

Lord Rawdon said, his object was to follow the amendment if carried, with motions *seriatim*, separating those Officers, who could not exercise any present functions of their offices from the controul and appointment of her Majesty.

The *Earl of Radnor* said, the noble Lord had not yet quite clearly explained himself, but he rose to support the principles which,

which, he presumed, the noble Lord approved. The noble Lord's amendment did not entirely meet his ideas, and, therefore, he would explain what he meant; an explanation which he should give without designing offence to any individual, and and which offence, he thought, he could not give, as he went on the principles established at the Revolution. His Lordship declared, he took the clause to be neither more nor less, than conferring on the Queen a direct and notorious influence in both Houses of Parliament. He had argued and voted against the famous India Bill in 1783, his Lordship said, because he conceived it to go to the creation of a powerful influence, which, if united with the Crown, would have made it too strong, and if exercised against it, would have rendered it too weak. In speaking of the present situation of affairs, his Lordship said, he would use some plain, strong words, but they should be but few. If his Royal Highness the Prince of Wales was affectionate to his father, and acted wisely, he would continue, as much as might be, the present measures and the present Ministry. That advice he would give him as a Counsellor; but speaking as a Member of Parliament, if the Prince thought proper to exercise that discretion with which he would be constitutionally invested, and should chuse to change the Ministry, he would not be one to establish a possibility of hampering his measures.

Lord Stormont rose to say, that the amendment was such as he should imagine the noble Earl could not oppose, because it went to nothing specific, but only opened the door for farther amendments. His Lordship said, he was anxious to procure the powerful support of the noble Earl, who had spoken in as dignified and parliamentary a manner as he had ever heard.

Lord Radnor read a clause, that he had drawn, and meant to introduce, the object of which was, among other provisions, to separate the nomination and appointment of the noble Lords with white staves (the Lord Chamberlain and Lord Steward) from the controul of the Queen, but to render them subservient to her Majesty's order.

The *Duke of Richmond* objected to Lord Rawdon's amendment, because the noble Lord had not explained the whole that it was intended to go to. His Grace contended, that if the amendment were agreed to, they necessarily ought to move, that the Great Officers of the Household should be removeable by the Regent. He reminded the Committee, that his Majesty was to be considered as King of this country, notwithstanding his present situation, and that it ought to be remembered, that under the present Bill, the Prince of Wales was the son of the King acting as Regent, but not the King; a difference and a distinction which the Prince ought to feel in every step he took. As Prince of Wales and Regent, he ought undoubtedly to have great splendour, but not

the same as the King himself. His Grace said, till he knew how the noble Lord, who spoke first, meant the Great Officers of the Household should be removed, he could not argue against his proposition; but, if the proposition contained in the clause just read by the noble Earl was substantially the same, one answer would do for both. If the controul were removed over those offices, they removed the responsibility, and it was necessary that the responsibility should remain. The Duke added several other arguments.

Lord Rawdon rose again, (and after reminding the Committee, that he had before stated that he should, if the amendment was carried, move *seriatim* what Officers should be under her Majesty's controul, and what not) said the noble Earl had shewn him his clause, which, he thought, would completely answer the object of what he had intended for his second motion, and would obviate the charge of influence; he, therefore, would substitute the noble Earl's clause, as the subject of his intended motion, if the amendment should be carried. His Lordship alluded to the possible conjuncture of affairs that might arise from the state of Europe, to make negotiations with foreign powers necessary, and put the case, that the influence of the Household might be exercised adversely to the existing Government, in the midst of a proceeding deemed essential to the safety and security of the country, which it might tend to check and prevent.

The *Duke of Richmond* replied, and treated the idea of a parliamentary influence resulting from the placing the Household under the power and controul of the Queen as a matter too insignificant to merit much notice. His Grace alluded to the two former Regency Bills, and contended, that the present Bill gave the Regent infinitely larger powers, than the Regent under either of the two former Bills would have possessed.

Lord Stormont spoke with great force for the amendment. His Lordship said, that so far from its appearing to him as a paltry subject, and not likely to cripple Government, he meant to go on the ground of its crippling Government most dangerously and fundamentally. In former Regency Bills, he saw the whole executive powers of Government given. It was not the attempt of men in those times to curtail the authority of the Regent, because they knew the whole powers of the Crown were necessary to carry on Government. It was said, that in former Regency Bills, the power was divided between the Regent and a Council, but it was forgot, that *all the Princes of the Blood* were in that Council. Had the example of former Regency Bills been followed, he was free to say, he should have opposed it, because, he thought those Bills liable to strong objection; but so far was he from giving the noble Duke and his colleague credit for not having followed the example before them, he thought unwise and impolitic, as those

Regency

Regency Bills had been, they were more wise and more politic than the present. When they instituted a weak Government, they knew not the extent of the mischiefs that might ensue. His Lordship declared, he did not fear any thing from open bold ambition, but he dreaded every thing from that dark mean ambition, which worked like a mole under ground, undermining all above it, and attempting, by anticipation, to weaken that Government, in which it was not to have a share, and to cripple what it dared not oppose. The patronage of the Household, he said, extended to all the offices, and was not less than 100,000*l.* a year, which amounted to more than all the offices suppressed by the Bill of 1782. [Mr. Burke's Civil List Reform Bill.] It was an influence that was not trifling, but extending far and wide; and, as the promoters of it themselves thought, of most pernicious consequence. His Lordship reprobated the idea of appointing Great Officers of the realm, who could be of no service to the King whatever during his present situation, to be under the Queen's controul, because her Majesty was entrusted with the care of the King's person. He alluded to the Lord Chancellor's celebrated speech a few weeks since, when the resolution, on which the clause was founded, was under consideration, and said, it was rather an Address to the public, than to that House. Those Great Officers of the Household, he said, were Officers of State, annexed rather to the Kingly Office, than to the person of the King. Did any of those Officers attend the King, except when he appeared in public the representative of Majesty? It was, he said, an extraordinary mode of keeping up the Majesty of the Crown, by not suffering the Regent to have the state that customarily surrounded the Crown. What was the reason that the Lord Lieutenant of Ireland always appeared with so much splendour? It was to signify the greatness and majesty of the King he represented? If the multitude were to see the Regent going to the House in his father's state coach, drawn by the cream coloured horses, they would cry, "There he goes in his father's coach, we hope we shall soon see the father himself there." The father's image would recall the memory of the father. It was true, his Lordship said, the Regent would make as great a figure as the King of Prussia, except on certain particular occasions. But the cases were not similar. In Prussia, which was a Military Government, the most captivating and politic appearance the Sovereign had to maintain, was rather that of a camp than a court. The case was different with us, in a great manufacturing country like this, splendour and outward shew were absolutely necessary. Nor was it for the Prince that it was asked; to him, the situation of a Regent was a situation of *painful pre-eminence* and *Royal servitude*; the object was to have that splendour and ostentation which pleased the multitude. The Lord Steward, and Lord Chamberlain, his Lordship said, were Great Officers of the

the realm, (so defined in the statute of precedence) always Members of the Privy Council, and constantly of that Select Council, in which the King was to exercise the greatest prerogative of the Crown, that of mercy! The office of the Lord Steward was as an office of Jurisdiction. He had ever understood, his Lordship said, the King was the fountain of office. The Bill made the Queen the fountain of office, and yet some noble Lords had said it was constitutional. There was, his Lordship observed, an impetuosity in the present Administration that bore down every barrier of the Constitution. He enumerated the various offices under the controul of the Lord Chamberlain, mentioning the Board of Works, the Jewel Office, &c. Even the Master of the Ceremonies, he said, would be under the Queen, and, therefore, if the Regent had occasion to receive a foreign Ambassador, he must send to her Majesty, and borrow Sir Clement Cottrell for the day! His Lordship added a great variety of arguments, and, before he sat down, observed, that it had been said in another quarter, that the Queen could have no political views. Her Majesty, he well knew, deserved veneration, and he would say of her, what the Constitution directed them to say of the King, *that she could do no wrong*, but her advisers might, who had power without responsibility. Her Majesty would have flatterers about her. Cabal and artifice would find the way into her house, since he knew of nothing in the air of Kew Palace that had the power to keep away the vermin that were always about a Court. His Lordship took notice of Lord Hopetoun's observation, that it must be a miserable Administration indeed, that needed such supports, as the patronage of the Household could furnish, and turned it into ridicule.

Lord Hawkebury said, all the powers given by former Regency Bills, where the Regent was to be hampered with a Council, in his mind, by no means enabled a Regent to set up so strong a Government as he could do under the present Bill, where he stood free and unfettered, excepting only by a few Restrictions. With regard to the opinion of a noble Lord [Lord Rawdon] that all Governments were nothing more than a combination of precedents; in absolute and despotic Governments, his Lordship said, it was not always so; but, in a free Government like ours, sure he was, the security of obedience, and what enabled the few to govern the many, was the sense the people entertained of their own power, exercised through the medium of their representatives in Parliament; and so the best writers on the Constitution had defined it. With regard to the question of the Household, unless their Lordships altered the whole system of his Majesty's family, they could not put the Household on any other situation. The Household, in fact, was under the operation of the clause, to be the Household of her Majesty. It was to be carried on in the
House,

House in which the Queen lived, and would their Lordships say that the Queen ought not to have the controul over that Household? His Lordship denied that the Lord Chamberlain and Lord Steward were mere Officers of State, never on duty, but when the King appeared in public as the Representative of Majesty. They had, he said, many other essential duties. Had they forgot a noble Earl, Earl Talbot, who, by his own management and œconomy, reformed much of the Household, and saved a considerable sum to the nation? Besides, by the Bill 1782, the Lords of the Treasury were expressly directed to issue no money for the payment of the Household, but to the Lord Chamberlain and Lord Steward, or according to their warrants. To put those Officers, therefore, under any other person, would be wronging her Majesty in her Household. The whole amount of the Household offices, his Lordship said, was about 100,000*l.* of which no more than 33,000*l.* related to Officers having seats in either House of Parliament. Would the country deny such an additional expence as 33,000*l.* for a short time only, to support the dignity of a Regent, rather than suffer his Majesty to be stript of all his Household Officers? Or, was the Administration that was to be, afraid of the operation of the influence arising from so paltry a sum.

Earl Fauconberg rose to deprecate any suggestion that tended to call in question the purity of her Majesty's intentions, which he declared to have been doubted by Lord Stormont. The Earl spoke of her Majesty's character in terms of the most ardent zeal, and the most marked respect, and particularly expressed his astonishment, that such a moment as the present, when her Majesty's breast might well be supposed to be occupied by the most poignant and distressful feelings, should be chosen for insinuating, that her Majesty could be capable of harbouring and countenancing a political faction, whose object, it had been said, it would be to counteract and embarrass her son's Government. What was there, his Lordship asked, that could be supposed to warp her Majesty's amiable disposition, and induce her to act in a manner, at once so unnatural, and so inconsistent with her own conduct hitherto? It appeared to him to be a circumstance so improbable, that he had heard it seriously stated, with an equal mixture of regret and astonishment. His Lordship took notice of various arguments that had been urged to prove, that the Lords of the Bedchamber were capable of being bought. He declared, there was but one description of Peers, who were fit to be Lords of the Bedchamber, against whom no suspicion of the kind would lie, and that was the Roman Catholic Peers. He repeated, the suspicions suggested against the parliamentary independence of the various Officers of the Household, and rejoiced in having had it in his power to support the measures of one of the ablest

ablest and best Ministers that, perhaps, ever had been at the head of affairs. As proofs of the Minister's ability and wisdom, he desired the state of our manufactures and commerce, the prices of stocks, and the credit of the country at home and abroad, to be considered. After expatiating upon these topics for some time, his Lordship concluded with repeating his warmest assurances to the Committee, that he well knew her Majesty to be incapable of acting in the manner, in which it had been stated, as possible for her to act, declaring, that he had long had the honour of being a witness to a conduct, not only the most irreproachable, but the most praise-worthy that ever distinguished a female, and that he should, therefore, be ungrateful indeed, if he sat silent, when her Majesty's character was called in question.

Lord Stormont in explanation said, that he had spoken of her Majesty in terms of the greatest respect; he had said, she merited veneration, and that she was incapable of doing wrong, but he had supposed she might have bad advisers. There was an end of the freedom of debate, if that supposition might not be stated. His Lordship declared he had, in the course of his life, had many opportunities of knowing the amiable character of the Queen, and how much veneration she was entitled to. He had once before praised her for having never meddled in the most distant way in politics; he therefore wished, and he again repeated his wish, that her Majesty was removed from the possibility of being surrounded by ill advisers, and that she had not been intrusted with one atom of political authority.

The *Earl of Carlisle* said, it was to him rather extraordinary, that those who sat near him should so often have occasion to declare, that it was not their wish to take any thing from the splendour and decoration of his Majesty, that was *now* necessary. Their wish was merely to *borrow* that splendour and decoration which was not necessary for the King in his present unfortunate situation, and *lend* it to the Regent, to whose situation and condition it was necessary. When the King became well, it would return to him as quick as light. His Lordship laid considerable stress on this transition, and said, the noble Lord who had lately spoken, [*Lord Hawkesbury*] had talked of the difference between the power of a Regent under former Bills of Regency, and under a Bill with a *few* Restrictions; let the noble Lord recollect, that in the former Regency Bills no one power of the Crown was suspended, and then let him look to the present Bill, and say, what possible Restriction could be added to cripple and weaken the Government?

Lord Sydney in reply, said, there were many Restrictions that might have been added, of ten times the tendency to cripple the Government, compared to those contained in the Bill. The Regent was left with all the great power of Government, and there

was

was not, in his opinion, the smallest ground for asserting that the Bill would really weaken his Government. Let them consider who the Regent was? a Prince of Wales, of high character, of amiable manners, greatly beloved, and in the flower and vigour of his youth! The Restrictions imposed were, it was well known, only provided with a view to his Majesty's temporary illness. If the Household were not put under her Majesty's controul, though the Regent might not wish, himself, to change the Great Officers of the Household, in this *ever-green* age, who knew but some person about him might persuade him to do so. Political speculatists were governed by their hopes, and would look forward, as long as they had existence. There was now no man so old and decrepit, no man but who *sans* teeth, *sans* eyes, *sans* ears, *sans* every thing, would hobble on, and not merely to court his favour by political cringing, but do so, by affecting to partake the youthful pleasures of the Prince. The noble Lord's amendment, as explained by his Lordship, Lord Sydney declared, shocked him. Did they recollect his Majesty's present situation? That he had been declared *convalescent* in a report signed by Dr. Warren, whose word, he believed, would scarcely be doubted. Though his Majesty, therefore, might not yet be in a state to take upon himself the conduct of public business, he might be able to indulge himself with the private conversation of those he had been accustomed to converse with. Suppose he should ask for a Duke of Roxburgh, or a Lord Winchelsea? What answer must be made? He must be told they were gone. Some stern Cato had removed them from their offices! Would their Lordships hear such a case stated, and hear it with patience? Were the Lords of the Bedchamber to be treated as a body of Janissaries? He remembered, in his time, the Bedchamber filled with some of the highest characters of the country. At present, the Lords of his Majesty's Bedchamber were most respectable, and yet, it was supposed, that they were to be influenced by persons out of office. His Lordship took notice of Lord Stormont's mention of her Majesty, and said, he always doubted, in proportion as the noble Viscount dealt in expressions of respect; he had, in fact, began to tremble, when the noble Viscount had said, what the law of the Constitution obliged him to say of his Majesty, viz. that the Queen *could do no wrong*, and the noble Lord had verified his fears, by instantly adding, but her advisers might; which was the best way to get off. His Lordship expatiated on the Queen's character, and asked, if it were likely, that a woman, who had been twenty-seven years among us, and never meddled with politics, would change her house, which was, and must be, a house of distress, as long as the King's illness continued, into a house of faction, for the purpose of opposing her own son. He declared, he had as much respect for his Royal Highness as any one else,

but

but he did not see that the state of a Regent ought to be exactly the same as the state of a King. He asked, if any one had heard, in the reign of George the Second, when the Prince of Wales was Regent, that he had the attendance of the Lord Steward. With regard to the wish being only to *borrow* some of the splendour and decoration of the King to *lend* it to the Regent, he said, if he were to be ill, and during his illness, any thing that belonged to him should be borrowed without his consent, he should think it was something very like *taking it away*. His Lordship added other arguments against the amendment.

Lord Rawdon made a short speech, in the beginning of which, he ironically complimented Lord Sydney on the graceful turn of his eloquence, and the peculiar beauty of the flowers of his rhetoric, with which he generally addressed their Lordships; but not being able to reach the same sublimity himself, his Lordship said, he must be content to address the Committee in an humble tone, but that he hoped, in a manner that was not level to their understandings. In the course of his speech, his Lordship denied that he had said, that all the power of Government depended on prejudice in all countries; he had only meant, that it was necessary by the outward state and splendour that surrounded the person of him who exercised the supreme authority, that the prejudices of vulgar minds were worked on. The noble Lord, [Lord Hawkesbury] he observed, had stated the virtues of the present Administration; he declared, he had no objection to hear a *political swan sing forth the funeral dirge of his own departing power*. If the people, however, had hitherto thought highly of the conduct of Ministers in the Regency business, it was, because they had misconceived it, and saw it in a wrong point of view. If any thing could open their eyes, it was, his Lordship said, the decisive manner in which the Parliament of *his* country had acted, in respect to the same subject. Ireland had thereby shewn that she deserved to have that Constitution, which she had so nobly earned. His Lordship added an explanation of the object of his motion, which was, he said, that such part of the Household as could not, in the present case, attend on his Majesty, should attend on the Regent.

Lord Sydney said a few words in defence of himself, from the charge of having used coarse language, which he conceived, Lord Rawdon had imputed to him.

Lord Carlisle and Lord Hawkesbury rose together, but the latter obtained the hearing, by crying, that he hoped the *political swan would be permitted to sing a few more funeral notes*. His Lordship repeated his former observation, that in every degree of Government whatever, the confidence of the people in their Governors, arose from the opinion they entertained of their own share in that Government. His Lordship also repeated his argument, that as

her Majesty was to have the care of the King's person, she ought, of necessity, to have the power of managing the King's Household, which, while she held the care of his Majesty's person, in fact became, as it were, her own Household.

The *Earl of Carlisle* defended the allusion to the supposed influence, that separating the power over the Household from the other powers of the executive Government, from the charge of being unparliamentary, contending that nothing could be more parliamentary.

There was here a considerable call for the Question.

Lord Kinnaird however rose, and, in a short and animated speech, reprobated the clause as the grand climax of those dangers to the Constitution, with which, his Lordship said, the whole Bill was fraught. He declared, he conceived himself to be a friend to the Constitution when he said so; and as to the case put by a noble Secretary of State, that if the amendment were adopted, and his Majesty, on his recovery, should call for a Duke of Roxburgh, or a Lord Winchelsea, they would not be to be found, that was, in his mind, a direct charge upon those noble persons of a want of disinterested affection to his Majesty; it was directly saying, that they were influenced solely by the emoluments of their offices, and not by any other and more honourable ties of regard and reverence. He contended, however, that the imputation was unmerited, and that if his Majesty should call for those noble persons, and they should have been removed from their places, they would be to be found, and be as ready to gratify the wishes of his Majesty as if they were in office. With regard to the amendment's taking away the appointment of the Officers of the Household from his Majesty, the clause itself took from the King that appointment, and vested it in the Queen, as all the Officers of the Household were removeable in her Majesty's name, and not, as was the case, in other parts of the Bill, in the name, and on the behalf of his Majesty. His Lordship concluded with reading a printed paper, containing sentiments adverse to the general tenour of the Bill, but what the paper purported to be, we could not hear, from the great importance of the Committee for the Question.

The Question was at length put, and the Committee divided.

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The amendment was consequently negatived.

Earl Bathurst then moved to report progress and adjourn.

This occasioned a considerable degree of conversation.

Lord Loughborough and *Lord Stormont* stated, that there were certain places for life in the Household, which, as the clause stood, it would be in her Majesty's power to give away, and they reasoned

soned upon the impropriety of vesting her Majesty with a power, from the exercise of which they had restrained the Regent.

The *Duke of Richmond* said, the objection was perfectly new to him, and, at the same time, it appeared to be of so much serious importance, that he wished for time to consider it thoroughly. He should be extremely sorry to give his assent to any Bill, containing a clause that indirectly gave the Queen a power, which he was by no means willing, either directly or indirectly, to invest in any person during his Majesty's temporary indisposition; he, therefore, hoped the Committee would agree to the motion, "that the Chairman be directed to report progress."

Lord Thurlow said, when the clause came to be examined, he did not believe it would be found liable to the objection that had been stated; but even should that be the case, it would be extremely easy to remedy the inconvenience by afterwards introducing a new clause, by way of proviso, for the express purpose of excepting any such use being made of the power vested in her Majesty.

Lord Walsingham on this put the Question, that the clause thus amended (as it had been by Lord Osborne (Marquis of Carmarthen) on Tuesday) stand part of the Bill? This was agreed to.

Another conversation arose in this place upon the Question of Reporting Progress, many noble Lords calling out to *adjourn*, and others to *go on*.

Lord Stormont said, he wished to deprecate nothing so much as mispending their Lordships time, and, therefore, it would be wise to decide directly one way or the other, or they might lose as much time in agitating a contest whether they should report progress or not, as it would take them to go through the next clause.

The *Earl of Carlisle* said, the preceding evening, it had been privately understood, that it would be for the convenience of certain individual Lords, that they should report progress, and adjourn at nine o'clock, upon which it was agreed to adjourn, each side of the House understanding, that they were to come down next day, and get through as much of the Bill as possible. But was it to be a regular custom, that they were to deem half after nine too late an hour to go on, and that, when their Lordships had a Bill before them of such infinite importance?

The *Duke of Richmond* declared, it was by no means his wish to report progress, merely because it was half after nine, but because the next clause was a very important one, and would call forth so considerable a degree of discussion, that, in all probability, they would not be able to go through it that night, if they entered upon it at all.

The *Earl of Carlisle* remonstrated against such extraordinary conduct, which had all the appearance of an artificial delay. His Lordship said, they did not begin business till five o'clock, and after four hours debate, at half after eight, or within a quarter of nine, they were to be told of the lateness of the hour. His Majesty's Ministers; he said, were to blame for not coming down to the House till five, although they had not now the usual excuse of having his Majesty to attend; by such conduct on their part, the noble and learned Lord on the woolsack could not begin business till five o'clock, or after that hour.

The *Duke of Richmond* and the *Lord Chancellor*, each said a few words, to prove that they were always ready to enter upon business earlier, but that without imputing more blame to one set of men than to another, the House, generally speaking, was so thin till five o'clock, that it was not proper to begin any business of importance before that hour.

The *Earl of Carlisle* declared, he had not intended to point what he had said, at either the noble Duke or the noble and learned Lord.

The *Marquis of Stafford* said, as it had been urged as a matter of complaint, that business began at too late an hour, the best and most effectual way to prevent there remaining any cause for a similar complaint, would be for them to resolve to meet at half after three, and proceed immediately to business. Instead, therefore, of going into the important debate, that the next clause would, in all probability occasion, suppose it were generally understood, that the noble and learned Lord would take the woolsack the next day, at half after three precisely?

Lord Stormont would not agree, that because it was half after nine, or ten o'clock at night, that, therefore, it was too late to go on with a Bill of that importance. His Lordship said, he had known the House sit till two in the morning, and no man who weighed the business then before the House, would deny that the Bill was of greater importance than the Irish Propositions, important as those Propositions undoubtedly were. The delay that had already taken place, he declared, had been extraordinary. If, however, Ministers were willing to take upon themselves the responsibility for the delay that had taken place, and might yet happen, he had no objection. Let them adjourn for a month if they pleased, so as they confessed themselves responsible for the consequences. They knew the business best, and, if they chose to delay, and drive the Bill off till so late a period, that it would put other great and important Bills, that must soon be passed, in danger of not being passed in time, they did it at their own risque, and it was not for him, standing in the situation that he did, to urge the critical state of affairs at home and abroad, and the various dangers that might ensue. If they did not then go on,
however,

however, they would lose a whole day, and that he thought it fair to mention.

The *Marquis of Townsend* said, if they imagined they could get through the clause in three or four hours, he would as readily consent to go on as any Peer in Parliament, but the clause would involve the Committee in a great deal of discussion, and, perhaps, they would save no time by entering upon it then. The *Marquis* acquitted Ministers of intentional delay, and said, if they had been monopolizing Ministers, who were determined to carry every thing with an high hand, and force the Bill rapidly through the House, he should have held them to blame, but considering the magnitude and importance of the Bill, he really thought they had made every reasonable dispatch.

On the Question put, "that the Chairman report progress," it was carried without a division.

The House rose immediately, it being Ten o'Clock.

It is here necessary to remark, that the daily Report of the Physicians, which had been with very little variation, that his health was much the same, had, for the foregoing week, to the great joy of every loyal subject, been extremely favourable. That of this day was,

"His Majesty continues to advance in recovery."

R. WARREN,

H. R. REYNOLDS,

F. WILLIS.

THURSDAY, FEBRUARY 19.

HOUSE OF LORDS.

REGENCY BILL.

As soon as Prayers were over,

The *Lord Chancellor* left the woofsack, and informed the House, that since his Majesty's Physicians had pronounced him to be in a state of *convalescence*, the accounts of his Majesty's progressive improvement had increased from day to day, and the intelligence from Kew was that day so favourable, that he conceived every noble Lord would agree with him in acknowledging,

ing, that it would be indecent and improper to go on with the proceedings in which they were engaged, under the present circumstances, when the principle of the Bill might possibly be entirely done away. Every one of their Lordships, he was persuaded, would entertain the same sentiment on the subject, and amidst the general joy that the happy and reasonable expectation of his Majesty's speedy return must occasion, he had no doubt that the House would agree with him, that it would be better to wait a few days, to see what progress towards a perfect and complete recovery, was made in his Majesty's health, before they went further with the Bill appointing a Regency. Congratulating their Lordships and the Country, therefore, on the favourable prospect of that event, to which the wishes and prayers of all his Majesty's subjects were directed, he would humbly submit to their Lordships the propriety of the Committee's being adjourned till Tuesday next, and by his Majesty's then situation, in point of health, their Lordships would be enabled to judge, how far it would be necessary or proper to go on with the proceeding.

Lord Stormont said, he rose with more satisfaction, and with a degree of joy nearer to his heart, than he had ever felt in any period of his life. He rejoiced, that they had now a reasonable ground of hope for his Majesty's speedy recovery, an event which he the more rejoiced in, as he considered it as likely to secure the salvation of the country. Regencies were at all times, his Lordship said, expedients which the necessity of the case might require, but which no man who knew any thing of political effects, would wish that occasion should arise to create. With regard to the present Regency Bill, he must take the liberty of stating, that he considered it as an aggravation of the calamity, with which the country had been afflicted; he rejoiced, therefore, for him, who, if the favourable prospect that had been opened to them by the noble and learned Lord, should be realized, would find himself delivered from the hard duty, which the necessity of the case would have imposed on him, and which nothing but a necessity so urgent, could have induced him to undertake. Even under the difficult and embarrassing circumstances prescribed by the present Bill, he was convinced the Prince of Wales would have shewn at least an earnest of that political wisdom and constitutional zeal, which might be expected from him, when he should, by a course of nature, sit upon the Throne. It was reasonable to expect, that his eyes would be closed long before that time arrived, but there were Lords present, who might live to see the day, to which he alluded, and who, he had no doubt, would feel the benefit and acknowledge the truth of his prediction. His Lordship said, he would sit down, making only this single observation, which he had thrown

out the preceding evening in general argument, viz. that those who had the government of the country in their hands, who knew the real state and pressure of affairs both at home and abroad, much better than they could pretend to do, must take upon themselves to answer for every inconvenience that might arise from the present or any future delay. They must be responsible for the consequences; considering, therefore, that this was fair to suggest at that moment, and that it would be allowed that it was so, he should cheerfully give his consent to the Motion of the noble and learned Lord, and to every delay that might be proposed. His Lordship added, that he was exceedingly happy to find, that things were likely to flow back into their regular and natural channel, a circumstance that could not but afford general and sincere satisfaction.

His Royal Highness the Duke of York. I trust your Lordships will do me the justice to believe, that no person in the House could feel equal pleasure with myself from the favourable account which the noble Lord on the woolpack has given, and the Motion he has made to the House, in which I entirely concur. I should have had great satisfaction in making the same communication to the House, if I had been enabled to do it, from any certain information. I thought it my duty yesterday, upon the favourable Reports given to the public, to request to be admitted to his Majesty's person. From reasons, very justifiable I have no doubt, it was not thought proper that I should have that satisfaction.

From the knowledge I have of my Brother's sentiments, though I can have had no immediate communication with him upon the subject of this Motion, I am convinced, that he will feel equal, if not greater pleasure than myself, at the hopes of his Majesty's recovery, as it must relieve him from the embarrassment of the situation in which the Bill would have placed him, which nothing but a strong sense of his duty to the public would have induced him to undertake.

The Committee was adjourned to Tuesday next, and the House rose immediately, having also adjourned to that day.

FRIDAY, FEBRUARY 20.

HOUSE OF COMMONS.

ADJOURNMENT.

THE *Chancellor of the Exchequer* moved, "That the House adjourn to Tuesday next."

Before the Speaker had finished putting the Question.

Mr. Vyner rose, and said, a Motion for adjournment to Tuesday at that period of the Session, when none of the public business was gone through, without a single reason assigned in justification of such adjournment, appeared to him to be a most extraordinary and unprecedented proceeding. He said, he had a guess at the reason for so singular a step, and if he was right in his conjecture, the reason was a most *joyous* one to that House and the country in general, [an universal cry of *hear! hear!*] but he could not help wishing, that they might have the satisfaction of hearing the reason stated by such high authority as the Right Hon. Gentleman, in order to enable them to communicate it to their constituents with confidence and certainty.

No answer being given, the Question was put, and the House adjourned to Tuesday.

TUESDAY, FEBRUARY 24.

HOUSE OF LORDS.

HIS MAJESTY'S HEALTH.

THE order of the day being read for the House to resolve itself into a Committee on the further consideration of the Bill, intitled, "An Act to provide for the care of his Majesty's Royal Person, and for the Administration of the Royal Authority, during the continuance of his Majesty's illness."

The *Lord Chancellor* left the woolsack, and said, the accounts of the progress that his Majesty made towards recovery, continued to be so favourable from day to day, that he presumed the same reasons that before actuated their Lordships, and induced them to adjourn last Tuesday, would prevail for a farther delay,

and incline them to adjourn for a few days longer. He should therefore move to adjourn till Monday next.

The *Duke of Norfolk* said, though they had not any regular evidence before them to contradict the testimony of his Majesty's Physicians, delivered formally upon their examination, yet the account of his Majesty's health came so well authenticated from the noble and learned Lord, who was known to have had personal interviews with his Majesty, that no doubt could be entertained of the fact. He should be happy to hear, however, what were the present appearances of his Majesty's health, and if his Majesty should continue in the same progressive state of amendment, though not able to take upon himself the actual business of the regal station, what steps would be pursued after the period of adjournment proposed, and whether another examination of his Majesty's Physicians would take place. His Grace alluded to the Bills that must of necessity pass by a certain time next month, and said, he conceived it could not be improper to communicate the intentions of his Majesty's Ministers.

The *Lord Chancellor* said, he had no difficulty in rising to answer the Questions of the noble Duke, that as far as his apprehension and judgment (not being a physician, nor conversant with such subjects) could enable him to form an opinion of his Majesty's understanding, the posture of his Majesty's mind appeared to be clear and distinct. Perhaps, his Lordship said, he was the best person to put such a question to, because, not having the opportunity of being near his Majesty's person, he had apprehended more for his Majesty, than it now appeared had been absolutely necessary, and thence it was, that he had, from time to time, received much consolation from the reports of those most competent to give him information upon the subject. With respect to the late interviews that his Majesty had commanded him to have with him, he had been in his presence at one time for an hour and a quarter, and that day for a full hour; during both which times he had found the posture of his Majesty's mind to be clear and distinct; so much so, that he appeared to be perfectly capable of conversing on any subject that might be proposed to him. With regard to the second point to which the noble Duke's Question referred, whatever step might be proposed, it ought, he should conceive, to be grounded on a view of his Majesty's health, as near to the moment of the proceeding as possible, and therefore it was impossible for him at that time to anticipate the measure, or say what it might be.

The House adjourned to Monday next.

FROM hence, on account of the happy indications of convalescence in his Majesty, it was deemed respectful and necessary to suspend the business of the Regency, accordingly Parliament was, from time to time, adjourned until

TUESDAY, MARCH 10.

HOUSE OF LORDS.

THIS day the Lords being met, a message was sent to the Hon. House of Commons by Sir Francis Molyneux, Gentleman Usher of the Black Rod, acquainting them, "that the Lords, "authorised by virtue of his Majesty's Commission, do desire the "immediate attendance of this Hon. House in the House of "Peers, to hear the Commission read;" and the Commons being come thither, the Lord Chancellor made the following speech to both Houses:

My Lords and Gentlemen,

HIS Majesty not thinking fit to be present here this day in his Royal Person, has been pleased to cause a Commission to be issued under his Great Seal, authorizing and commanding the Commissioners, who are appointed by former Letters Patent to hold this Parliament, to open and declare certain further causes for holding the same: which Commission you will now hear read.

[The Commission was composed in the usual form, and stated, That whereas his Majesty had found it convenient to call his Parliament in May, 1784, and that it had afterwards been adjourned and prorogued, from time to time, until the 20th of November last; and that as his Majesty, for certain reasons, could not then attend in person, it had undergone various adjournments, until the February following, when he had been pleased to issue his orders, that it should be opened by Commission, appointing the Archbishop of Canterbury, the Lord Chancellor, Lord Privy Seal, the President of the Council, Lord Steward of the Household, Duke of Richmond, Lord Chamberlain, Viscount Wentworth, Lord Bathurst, the two Secretaries of State, and the Lord Chief Justice of the Court of King's Bench, Commissioners for that purpose; and that, as there were still certain reasons why he could not attend in Parliament in person, as usual, he had thought proper to command another Commission, appointing the same Commissioners to communicate his Royal

Message to Parliament.—The Commission was dated at Westminster, signed by the King's own hand.]

And the said Commission being read accordingly, the Lord Chancellor then said,

My Lords and Gentlemen,

IN obedience to his Majesty's commands, and by virtue of both Commissions already mentioned to you, (one of which has now been read) we proceed to lay before you such further matters as his Majesty has judged proper to be now communicated to his Parliament.

His Majesty being, by the blessing of Providence, happily recovered from the severe indisposition with which he has been afflicted; and being enabled to attend to the public affairs of his kingdom, has commanded us to convey to you his warmest acknowledgments for the additional proofs which you have given of your affectionate attachments to his person, and of your zealous concern for the honour and interests of his Crown, and the security and good government of his dominions.

The interruption which has necessarily been occasioned to the public business, will, his Majesty doubts not, afford you an additional incitement to apply yourselves, with as little delay as possible, to the different objects of national concern which require your attention.

His Majesty has likewise ordered us to acquaint you, that, since the close of the last Session, he has concluded a Treaty of Defensive Alliance with his good brother the King of Prussia, copies of which will be laid before you: That his Majesty's endeavours were employed, during the last summer, in conjunction with his allies, in order to prevent, as much as possible, the extension of hostilities in the North, and to manifest his desire of effecting a general pacification: That no opportunity will be neglected, on his part, to promote this salutary object; and that he has, in the mean time, the satisfaction of receiving, from all foreign Courts, continued assurances of their friendly dispositions to this country.

Gentlemen of the House of Commons,

WE are commanded by his Majesty to acquaint you, that the estimates for the current year will forthwith be laid before you; and that he is persuaded of your readiness to make the necessary provisions for the several branches of the public service.

My Lords and Gentlemen,

WE have it particularly in charge from his Majesty to assure you, that you cannot so effectually meet the most earnest wish of his Majesty's heart, as by persevering in your uniform exertions

tions for the public welfare, and by improving every occasion to promote the prosperity of his faithful people, from whom his Majesty has received such repeated and affecting marks of invariable zeal, loyalty, and attachment, and whose happiness he must ever consider as inseparable from his own.

Lord Chesterfield then rose, for the purpose, he said, of moving an humble Address to his Majesty, to thank him for his most gracious speech, which had just been read to their Lordships; the heartfelt gratification which he was certain now glowed in the breasts of every one of their Lordships, upon the joyful information they had received of his Majesty's recovery, rendered it totally unnecessary for him to attempt any arguments as persuasive to what they were all equally inclined; the recent conduct of Parliament, nay, of the whole kingdom, upon his Majesty's melancholy indisposition, fully proved that he really reigned in the hearts of his people, and that there was a kind of emulation, to shew their attachment and gratitude for the blessings they had enjoyed for these eight-and-twenty years, under a mild and paternal Monarch; and for his own part, he thought the greatest possible honour that he could enjoy, was, the moving an Address upon his Majesty's happy and joyful recovery. His Lordship touched very slightly upon the Regency Bill, which he declared he had supported with all his heart; and after a few words, expressive of his perfect happiness, that it was no longer necessary, moved the Address, which was, in fact, little more than a repetition of the message itself.

Lord Cathcart, after a speech of some length, in which he took a view of the situation the country had been in, the proceedings that Parliament had taken, and paid Administration the most high-flown compliments for their virtues, conduct, and steady perseverance, seconded the Motion.

Lord Stanhope declared, that although he had no objection to the Address, nor was less ready to testify his pleasure at his Majesty's happy recovery, than any other noble person, yet he had his doubts as to the propriety of doing it in the present instance.

In December, the House had claimed to themselves the Right of supplying the deficiency, which they had declared to exist in the executive part of government; they had not then proceeded upon any *assertion*, that there was an incapacity, but absolutely adopted an examination of the best evidence that could possibly be procured, namely, the Physicians, and the Question was solely, is, or is not his Majesty capable of attending the duties of his Royal Function? And upon its appearing by that examination that he was not, the House had proceeded; and, in his opinion, there ought to be a similar conduct pursued in the present case; for, although he had not any doubt of the truth as an individual

individual, yet, as a Parliament, he thought they were bound to have the grounds for their proceedings equally appear.

Upon a case where Ministers might be injured, an *assertion* was not to be taken; but in one where an advantage might accrue, the most implicit confidence was to be placed. If there had been no necessity for something of this kind, why was the clause introduced in the Bill, in which they had gone so far, expressly stating, that a communication should be made by the Queen and her Council, of his Majesty's recovery; if it would have been necessary or constitutional, had that Bill passed, it was equally so now. There were many other parts of the Bill which went to the same point; he approved them, considered them as proper, and therefore he could not acquiesce that the Rights of the People and the Constitution should be forgot in a general joy and rejoicing, but would submit to their Lordships, whether the Address had not better be postponed for a short time, until some examination should be undergone.

Lord Thurlow doubted not the purity of the noble Earl's intentions, yet he could by no means agree in the propriety, of adopting his idea. In the first instance, their Lordships should remember, they had proceeded upon a fact; Parliament had been prorogued to a certain day. When that day arrived, his Majesty was not in a situation, either to meet them in person, or to deliver his orders upon the occasion. It was part of the duties of his office to receive those orders; and when their Lordships met, he had presumed to communicate that circumstance, conceiving that also to be his duty. Upon this fact their Lordships had wisely considered it necessary that something should be done for the advantage of the kingdom at large, and had, by their attention, assiduity, and exertions, shewn their honourable attachment to the King, People, and Constitution, and he hoped never to hear those points alluded to, in which there appeared a difference of sentiment during the progress of the business, but wished it was in his power to bury them in oblivion, for he believed every one intended the best for the country. As to the clause particularly alluded to by the noble Earl, he would not now undertake to say, whether it was or was not the wisest measure that could have been adopted, but he could answer for the purity of the intention; and he believed, no man ever had an idea of continuing his Majesty a single hour from possessing the Royal Functions longer than his indisposition continued.

His Lordship professed himself strongly in favour of the Address, and hoped that no impediment might be given to their testifying their joy for his Majesty's happy recovery, and gratitude for his most gracious speech at the present moment, whatever any noble Lord might conceive as proper, after mature consideration, upon a future period.

Lord Stanhope said a few words in reply, and declared he had no intention of making any Motion.

The Motion for the Address was then put, and agreed to unanimously.

The Lords with white staves were then required to wait upon his Majesty concerning the same.

ADDRESS TO THE QUEEN.

Lord Moreton, in a short speech, complimentary to her Majesty, moved, that an humble Address be presented to the Queen, congratulating her upon his Majesty's happy recovery.

Lord Hawkesbury most cordially joined in its propriety, and seconded the Motion.

This was agreed to unanimously, and several Lords ordered to draw up and present the same.

REGENCY BILL.

Lord Hawkesbury then moved the order of the day for going into a Committee on the Regency Bill, which being read, he moved, that the order be discharged.

Ordered.

His Lordship then moved that the Bill should be rejected, which was agreed to.

TUESDAY, MARCH 10.

HOUSE OF COMMONS.

KING'S COMMISSION.

AT half past four o'clock, a message was brought by the Black Rod, desiring the attendance of the House in the Peers' Chamber, to hear his Majesty's Commission read; and the Speaker, with several Members, repaired to the Upper House for that purpose.

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On their return, the Speaker informed the House, that he had procured a copy of the Speech, which was then read with the usual forms.

Lord Gower then rose, and in an elegant and modest speech, moved for the Address. Though conscious of his inability, he said, he felt too strongly the general impulse, and the general joy, to remain silent on the present occasion. For *five* months, he observed, the nation had been in the situation of a vessel at sea, which had been dismasted by a sudden gust of wind, but which now, by steering right onward, had been so fortunate as to regain her harbour. Words, therefore, could not express his joy, to hear, from good authority, that the empire was again to enjoy the best form of government, under the best of Sovereigns. The other topics mentioned in the speech were, in his opinion, relatively trivial to this one great object. He should not, therefore, insist upon them at present, but should directly proceed to move the Address.

His Lordship then recited the points of the Address, which, as usual, corresponded exactly to those of the Speech. "It assured his Majesty of the continued loyalty of his faithful Commons;—thanked him for the promised communication of the Prussian Treaty;—and declared their readiness to proceed on the public business with all possible dispatch."

Mr. Yorke seconded the Motion. He did this the more readily, he said, as it was one which could not possibly suffer from his incapacity. It was not his wish, he declared, to allude to former arguments on this business, nor to adopt so absurd a rule of proceeding as to judge by the event. Yet he could not but express his happiness in the conduct which had been pursued by Parliament. He rejoiced that they could now look with a calm and firm retrospect to that caution which had tended to preserve the dignity of the Crown and the rights of the People.—He then remarked on the Treaty with Prussia, as being the first mention of a foreign Treaty which had been made for some years in the Speech from the Throne. It was to him, he said, a new proof of the zeal with which the Minister had attended to the interests, and raised the respectability of this country. A Right Hon. Gentleman opposite (*Mr. Fox*) had recommended the extension of our alliances, at the time when he had approved of the measures pursued during the late disturbances in Holland; and he must therefore hope, that this measure would meet with the same unequivocal approbation.—He concluded with giving his decisive opinion in favour of the Address, as no language, he said, could be too strong to express the feelings of the nation on the present joyful occasion.

Mr.

Mr. Fox immediately arose. It was not his intention, he said, to disturb in the smallest degree the unanimity of the House. It was, on the contrary, his ardent wish, that the motion should pass *nemine contradicente*. He rose only for the purpose of deprecating the effects which might arise from the speech of the Hon. Gentleman who had last spoken.—He had not the smallest objection to the speech, nor would he wish a single word omitted of the Address. Still less did he object to the opening of the noble Lord by whom it had been moved, and which had been made with no less elegance than candour. But a very different line had been pursued by the Hon. Gentleman who seconded the motion, and who attempted to intermix the praises of the Minister, with those sentiments of gratulation which all must feel on an occasion so fortunate. The noble Lord had very properly intimated, that there was a business before them of paramount importance to all others; whilst the seconder of the motion had deemed it proper to overleap this consideration, for the purpose of complimenting the Minister. But surely, under the present circumstances, that Right Hon. Gentleman might have been well contented to have remained in the back-ground, and to suffer the Sovereign to appear as the principal object in the picture!

With whatever purpose, however, this digression had been made, he would assure the Hon. Gentleman, that he was not to be forced to a dissent to the present motion, or even to enter into any farther discussion respecting the merits of the Minister in the present instance. The latter question might come on at a more suitable time, when he could assure the Hon. Gentleman it would be fought, not avoided.

Neither would he object to the general approbation which was given by the speech to the conduct of Parliament. It spoke the language which the Sovereign should use on such an occasion to the two Houses. He could not think that this praise was meant to be applied to one set of men exclusively of another.

He could not think this, in the first place, because, regarding it as was usual, as the speech of the Minister, he could not imagine that the Right Hon. Gentleman would attempt to compliment himself on any measure; and the less, when, as fortunately in the present instance, that measure was incomplete! He could not think that such a praise was meant, for a second reason; and this was, that he knew too well the rectitude of his Majesty's mind, and the justice of his decisions, to suppose that he would have passed his judgment without a previous explanation from both parties.

Something *Mr. Fox* observed, had also been insinuated, as if there was such a connection between the King and the Minister, that those who opposed the latter, must be deemed inimical to the former! This insinuation, lest he should be thought to dwell on
first

first principles, he would only repel, by denying that any such connection existed, and, by asserting, that as great a portion of loyalty might, and did dwell in the bosoms of those who resisted, as with those who supported the measures of administration.

The Question was then carried *nem. con.* and a Committee appointed to prepare the Address.

ADDRESS TO THE QUEEN.

The *Marquis of Graham*, after a short preface, moved, that an Address of congratulation might also be presented to her Majesty.

Mr. Fox said, that he should not oppose the motion, though it appeared to go farther than perhaps was necessary; but he thought that every argument which could be urged in favour of this Address, went as strongly in favour of one to his Royal Highness the Prince of Wales, who, in a situation not less difficult, had demeaned himself in such a manner, as to give additional lustre to his character in the eyes of Europe.

Mr. Pitt said, that he could have no other objection to an Address to the Prince of Wales, than that there were precedents on the Journals, of Addresses to the Queen, when no notice was taken of any other branch of the Royal Family. He then quoted, as a precedent, the Address presented to Queen Anne, on the recovery of her husband, Prince George of Denmark.

The Question was carried *nem. con.* and a Committee appointed to prepare the Address.

A P P E N D I X.

THE very important matters in discussion having unexpectedly occasioned such long and interesting debates in both Houses, it was judged proper to alter the original plan of this work, and not permit any extraneous matter to interfere with the regular succession of the Parliamentary Proceedings.

As the subject of the King's malady, and the appointment of a Regent, has occasioned many public meetings, created a variety of discordant opinions, excited the spirit of party, and generally engaged the conversation of all ranks of persons throughout the kingdom; it was thought necessary to reserve an account of all particular transactions until the conclusion of the debates, and to add them by way of Appendix, both in performance of the promise made at the commencement of this compilation, and in order, in some measure, to shew how far the sentiments of the people at large corresponded with those of the Representative Body. To these are also added, some papers necessary for the Reader's information, as being referred to in the debates.

THE first public Body, which became active on the occasion, was the Common Council of the City of London. As the transactions were not confined to the Corporation alone, it was imagined, that relating the circumstances together, without paying attention to the order of dates, as they occurred with those of other places, would be most agreeable; the weight and importance of the metropolis demanding a preferable attention.

THURSDAY, DECEMBER 18.

GUILDHALL.

A Court of Common Council was this day held at Guildhall, the Lord Mayor, fourteen Aldermen, and the Recorder, with a number of Commoners, being present.

Mr. Dornford rose, and apologized to the Court for bringing forward the Motion which he held in his hand; but it being on so critical and trying a nature, he thought too early an approbation of the constitutional behaviour of the Minister, and the 267 worthy Members in the Committee of the House of Commons on Tuesday last, could not be obtained. He would, therefore, without further hesitation, move

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the Thanks of the Court, " To the Right Hon. William Pitt, Chancellor of the Exchequer, and the two hundred and sixty-seven worthy Members of the Honourable House of Commons, for their strenuous support of the important Rights of the Lords and Commons of this Realm, to provide the means of supplying the defect of the personal exercise of the Royal Authority, arising from his Majesty's indisposition."

Mr. Sheriff Curtis expressed himself happy, in having an opportunity of seconding the Motion; which he did most cheerfully.

Mr. Alderman Newnham reprobated the Motion; he said, he thought it was impolitic in the Court, thus early to express their approbation or disapprobation of any measure now pending on a question, which involved in it a very important one to the Constitution. The Alderman was very warm, and, in an animated speech, dwelt much on the amiable virtues and manly character of the Heir Apparent.

Mr. Goodbehere followed the Alderman; he observed, that before the Court knew the magnitude of the question of Limitation, which is to follow the appointment of a Regent, they ought not to hurry into a vote, which there may be reason to repent of. *Mr. Goodbehere* spoke much on the Constitution, and was decidedly against the vote of thanks.

Mr. Debuty Birch highly approved the Motion; the Court were bound in gratitude to the Minister and the other Members, for their steady and manly interference, to prevent the Constitution being established.

Mr. Deputy White was of the same opinion; as were *Mr. Box*, *Mr. Alderman Hammet*, *Sir Watkin Lewes*, &c.

Mr. Alderman Sawbridge, *Mr. Alderman Pickett*, *Mr. Alderman Newman*, *Mr. Alderman Skinner*, and *Mr. Thorpe*, spoke against it.

The Recorder, being in his place, addressed the Court, and apologized for some few observations he was about to make, and which he felt it his duty to do, both to himself, and the Court, as their Law Officer. He then entered into a discussion of the constitution of the King, Lords, and Commons; and, in a speech of considerable length, gave it as his opinion, that the question, as proposed, was going a great way in commending what was a stab to the executive branch of the Legislature; and contended, that it was absolutely vesting in the two branches, the Lords and Commons, the whole Legislature of the Country.

The Court, being impatient for the question, *Mr. Dornford*, on a suggestion from a Member of the Court, altered his Motion, and confined it to the question of Right to provide a remedy for the exercise of the Regal Power; his original Motion taking in the whole of the Resolutions of the Committee of the House of Commons; and on the question being proposed,

Mr. Alderman Sawbridge moved the previous question, which being carried in the affirmative, the question of Thanks was again put, and a division demanded, when there appeared

For the Question, 7 Aldermen and 45 Commoners	52
Against the Question, 5 Aldermen and 21 Commoners	26

Majority	26
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The Court ordered the Resolutions to be signed by the Town-Clerk and delivered to Mr. Pitt; and also to be published in all the Newpapers.

On Monday the 22d a Wardmote was held in Billingsgate Ward, the particulars of which are as follow:

Billingsgate Ward, 22d Dec. 1788.

At a Wardmote, held on the morrow of St. Thomas's Day, before the Right Hon. WILLIAM GILL, Lord Mayor of the City of London, the following Resolution was moved, seconded, and unanimously carried, viz.

R E S O L V E D,

THAT the Thanks of this Wardmote be given to JOSIAH DORN-FORD, Esq. one of the Representatives of this Ward, for moving the Thanks of the Court of Common Council, on Thursday the 18th instant, to the Right Hon. WILLIAM PITT, Chancellor of the Exchequer, and the two hundred and sixty-seven worthy Members of the House of Commons, for supporting the important Rights of the Lords and Commons of this Realm.

Resolved, That the foregoing Resolution being signed by the Ward Clerk, and published in all the morning papers.

Philpot-Lane.

THOMAS GALE, Ward Clerk.

On the 24th, at a Wardmote held at Leatherfellers-hall, a Motion was made, and carried, of a different nature.

“ That at this important crisis, when the great Council of the nation is deliberating upon the means of calling upon the Heir Apparent to take upon himself, as of right or otherwise, the legal and constitutional exercise of the powers of the Crown, during the much lamented affliction of the Sovereign, it is the duty, as well of bodies corporate as of individual subjects, to wait the final result of such deliberations; and that all corporate attempts to publish resolves and declarations, upon a subject of such magnitude and intricacy, are premature, highly improper, and ought to be resisted by all good citizens.”

The 29th of December, at a Wardmote held at Brewers-hall, for the Ward of Cripplegate Within, which had been adjourned, in order to obtain a full meeting, for the express purpose of considering what mode should be adopted, as most proper to signify the high sentiments entertained of the Chancellor of the Exchequer, and of the Members of the Lower House, who supported him in his late Herculean labour.

The inhabitants being fully assembled, a Gentleman of the Ward stepped forward, and in a prefatory speech stated the important events of the present times, and delicately touched upon the indisposition of his Majesty. He mentioned with much abhorrence the doctrines broached of late, that a subject had a right to snatch the imperial ornaments and functions from a languishing Monarch, and that any person could be more legally fit, or better qualified from affectionate regard to the King's person, to place his Prerogatives and his Crown in security, than the representatives of his loyal people. After being heard for

some time with the greatest attention, he concluded by moving the following Resolves, which being seconded, passed unanimously, viz.

Resolved, That the safety of the King's person, Crown, and his Prerogative, can never be so well secured, or so constitutionally trusted in any hands as in those of his two faithful Houses of Parliament, or in the person or persons whom they in their high wisdom shall think it expedient to appoint for that purpose.

Resolved, That the thanks of this Wardmote be given to the worshipful the Court of Common Council, for their Resolution of the 18th of December, 1788, whereby the Thanks of the City of London were voted to the Right Hon. William Pitt, and his 267 worthy Coadjutors of the House of Commons, who in so manly and able a manner defended the Rights of the King and of the Parliament.

From this time nothing remarkable occurred in the City, until Tuesday the 13th of January, when a Common Council was held, at Guildhall, to receive the Report of Mr. Pitt's answer to the Address.

G I L L, M A Y O R.

A Common Council holden in the Chamber of the Guildhall of the City of London, on Tuesday the 13th day of January, 1789.

THIS day Mr. Town Clerk acquainted this Court, that he had, pursuant to the order of the 18th of December last, waited on the Right Hon. WILLIAM PITT, Chancellor of the Exchequer, with the Thanks of this Court then agreed to, and that he had since received a letter from Mr. Pitt, in answer thereto, which he delivered into this Court, and the same was read as follows :

S I R,

Downing-street, Dec. 20, 1788.

HAVING had the honour of receiving, through your hands a copy of the Resolution of the Common Council of the 18th instant, I beg the favour of you to take the first opportunity of expressing to the Court my grateful acknowledgments for this distinguished mark of their approbation, and of assuring them how much encouragement and satisfaction I derive from the public declaration of the sentiments of so respectable a body, on an occasion which immediately affects the rights of the Lords and Commons, and the essential principles of the Constitution.

I am, Sir,

Your obedient, faithful Servant,

W. Rix, Esq.

W. P I T T.

Ordered, That the said Letter be entered in the Journal of this Court, and published in all the public papers. R I X.

In consequence of a number of previous advertisements, in the public papers, addressed to the Bankers, Merchants, and Tradesmen of London, a Meeting was held at the London Tavern, on the SEVENTH of JANUARY, 1789.

L O N D O N

LONDON TAVERN,

January 7, 1789.

AT a numerous and respectable Meeting held here this day by public advertisement.

SAMUEL BEACHCROFT, Esq. was called to the Chair.

The following Motion was made and seconded, and upon the Question being put, was carried in the affirmative by a great majority.

"That the Thanks of this Meeting be given to the Right Hon. WILLIAM PITT, Chancellor of the Exchequer, for his able, spirited, and manly defence of the Constitutional Rights of this Empire, and to those Members of the Honourable House of Commons who have supported him on the occasion."

The Address will lay at this place for Signatures between the hours of eleven and two o'clock, by such Gentlemen as may approve thereof.

SAMUEL BEACHCROFT, Chairman.

As this Meeting was attended with much heat of argument, it is imagined the following account will not prove disagreeable; to which is subjoined another, which having the signature of an Alderman, may be deemed more authentic.

At a Meeting of the Merchants, Bankers, and Traders of London, assembled at the London Tavern, which consisted of more than eighteen hundred persons; upon the call for a Chairman, after much clamour, Sir James Sanderfon, Mr. Alderman Skinner, and Mr. Beachcroft, having been severally named, it was at last agreed to place Mr. Beachcroft in the Chair, as being one of the Committee who had advertised the Meeting.

Mr. Edward Payne then moved, that an Address of Thanks be presented to the Right Hon. William Pitt, for his conduct respecting the Regency, which having been seconded by Mr. William Waddington, without any argument whatever in favour of the Motion, either by Mr. Payne or the seconder, Sir James Sanderfon rose to speak in favour of the Motion, which he endeavoured to support upon the principle of right in the people, and very unfortunately quoted the conduct of the Minister, as agreeable to the spirit of the Revolution. He proceeded by saying, he hoped, that the citizens of London would that day shew their magnanimity, by voting the Address to the Minister; but at the same time he wished it to be understood, that he did not mean to approve his conduct, in general, as he thought the continuance of the Shop-Tax was partial and unjust in the extreme.

Mr. Stock then attempted, for a considerable time, to address the Meeting in reply; but the friends of the Motion for an Address were so clamorous, that he could never obtain a quiet audience. As far as his arguments could be collected, he was understood to declare, that not one of the precedents were understood to be in point; that the present Motion was premature, to address a vote of thanks upon, a

proposition not yet determined by the two Houses of Parliament, that it was an unexpected wound given to the constitution, and it was an improper attempt to bring forward such an interference of the power of the people, which ought, in times of danger, to be very cautiously used; but that it was highly indecent to attempt any exercise of that power, when there did not exist the least necessity for it; that there was a plain road for the House, smooth and easy, which, if the Lords and Commons had travelled, would have satisfied the nation, have kept all ranks of people quiet, and have transmitted a plain and obvious rule to posterity; the contrary road had been taken, and no one could foresee the mischief which might attend the discussion of such a question.

Mr. Wilson then attempted to speak, but the indecent tumult of the friends to the motion likewise prevented him from being heard. As far also as his arguments could be collected, they went to deprecate the intention of an Address, upon a measure not yet determined upon by either House of Parliament. He followed *Mr. Stock* in his arguments, and added, that after the declaration that had been made in the House of Peers, by a most illustrious character, that the Prince of Wales had not only forborne to urge any claim of right, but that he desired no such question might be agitated, as he was ready to adopt the sentiments of the two Houses of Parliament. Every good subject in the realm must think *Mr. Pitt* highly reprehensible, for having so indecently brought forward the Resolutions, for which they were called this day to address him, and which, it was premature in them to come to any resolution upon, before these resolutions had been finally determined in the two Houses of Parliament, and that it was an unconstitutional and improper attempt, which he hoped the citizens of London would have the good sense to reject.

Mr. Alderman Newnham and *Mr. Alderman Sawbridge*, two of the representatives of the city of London, attempted to address the meeting in vain; for such was the clamour of the friends of the Address, that contrary to every good order, necessary to be preserved in public meetings, the Chairman had not sufficient influence over the meeting to obtain either of those gentlemen the opportunity of delivering their sentiments to their constituents.

Mr. Alderman Skinner then, in a very modest manner, returned his friends thanks for the good opinion they entertained of him, by their wish to place him in the chair; that it would be ever the rule of his life to serve his fellow citizens, and honestly to discharge any public trust reposed in him; that his sentiments were totally against the question of Address, which he considered as unnecessary, premature and dangerous. That the conduct of the Minister, so far as the city of London was concerned, was sufficient, in his mind, to condemn him, with them, for ever.

Sir James Sanderson, although neither the mover nor seconder of the Address of Thanks, rose a second time to address the Meeting, but notwithstanding he stood himself the champion of the phalanx of city consequence; the friends of the Constitution, and of his Royal Highness the Prince of Wales, could not permit him, after their friends had experienced such rude treatment, to proceed, and *Sir James* was very reluctantly obliged to get down from the table.

The question having been very loudly called for at so many different times, and the Committee thinking it a very fit time, the Chairman came forward and put the same, as also the contrary: the majority of hands evidently appeared to be very considerable against the question, but the worthy Chairman declared the majority of hands was in favour of the question. Several Gentlemen having before applied to the Chairman, to know if he would permit a division, to which he assented; they now called upon him for that division, and to appoint tellers; upon which the Chairman and his Committee abruptly left the room.

After some few minutes Mr. Sheriff Curtis returned into the room, and there reprobated the conduct of the Chairman, although he was one of the persons, who, with the Chairman, had signed the last of the two advertisements to call the Meeting; but Mr. Curtis being applied to, to take upon him the office of a Teller under the new Chairman, elected by the Meeting, after the first Chairman had abdicated the Chair, he also shrunk from the business, and went away immediately.

The Meeting then (Mr. Alderman Pickett in the Chair) passed a Resolution of censure upon the late Chairman, and thus ended a Meeting of the Merchants, Bankers and Traders of the city of London, upon which Mr. Pitt and his friends had built such great hopes!

London Tavern, Jan. 7, 1789.

AT a meeting of the Merchants, Bankers, and Traders of London, held here this day,

SAMUEL BEACHCROFT, Esq. in the Chair.

A Motion was proposed by Edward Payne, Esq. and seconded by William Waddington, Esq.

“ That an Address of Thanks be presented to the Right Hon. W. Pitt, for his able, spirited, and manly defence of the sacred Constitution of this Empire, and to those Members of the Hon. House of Commons who supported him.”

After a tumultuous debate, the question was put, and the Chairman thought proper to declare, that, on a shew of hands, the majority was in favour of an Address.

The Meeting being dissatisfied, a division was demanded by Mr. Stock, and seconded by Jacob Wilkinon, Esq. which division had been previously claimed by Mr. Alderman Skinner, and promised by the Chairman; but while the Tellers were naming, the Chairman and his Committee hastily and abruptly withdrew.

A large majority now called Mr. Alderman Pickett to the chair, on which the motion was again put, that a division should take place. Alderman Curtis was appointed Teller for the question—Mr. Stock against it.

The Chairman then directed, that those Gentlemen who approved of the question should go to the right-hand—those who disapproved, to the left.

The Tellers were directed to proceed to a division, when Mr. Alderman Curtis suddenly left the room, without assigning any reason for so

doing.—The friends of the Address declined appointing another Teller. Mr. Stock proceeded to ascertain the numbers, when there appeared a very considerable majority against the Address.

A motion was now made by Mr. J. N. Mitchell, and seconded by Mr. Alderman Skinner, “That the conduct of Mr. Beachcroft, in quitting the Chair without waiting for the division, was partial and highly censurable,” which was carried by a great majority.

WILLIAM PICKETT,

The Chairman having quitted the chair, a motion was put and carried, “That the thanks of this meeting be given to Mr. Alderman Pickett, for his acceptance of, and impartial conduct in, the Chair.”

On THURSDAY the 15th. Mr. BEACHCROFT, attended by several Merchants and Bankers waited on Mr. PITT, at his house in Downing street, and delivered to him the Vote of Thanks from the Merchants, Bankers, and Traders, of the City of London, on which occasion Mr. BEACHCROFT addressed Mr. PITT nearly as follows :

“SIR,

“IT is with the highest satisfaction that I present to you the Vote of Thanks of the Merchants, Bankers and Traders of the City of LONDON, convened by public advertisement, at the London Tavern, on Wednesday the 7th instant.

“Although the Resolution I have now the honour to deliver to you, Sir, is confined to the single object of your very able defence of the right of the two Houses of Parliament to supply the defect in the Legislature, occasioned by the indisposition of his MAJESTY, it was my wish, and I am persuaded, it was the wish of many respectable Gentlemen who attended that Meeting, to have extended our Thanks to the many advantages this country has derived from your wife and upright Administration: particularly for your great attention to our commerce, to the improvement of the public revenue, and the advancement of public credit. But the confusion that followed the determination of the Meeting upon the question, rendered any farther proceedings impracticable.”

To which Mr. PITT returned the following Answer :

“SIR,

Downing-street, Jan. 17, 1789.

“I TAKE the liberty of addressing myself to you, as Chairman of the Meeting of Merchants, Bankers, and Traders of the city of LONDON, to express the grateful sense I entertain of the distinguished honour done me by the declaration of their sentiments contained in their Resolution of the 7th instant. I shall ever consider it as one of the most flattering circumstances of my life, to find my public conduct sanctioned by the approbation of so numerous, and so peculiarly respectable a class of my fellow citizens, the continuance of whose good opinion it will be my constant ambition to deserve. I am more particularly happy in this mark of their concurrence, on an occasion immediately affecting the most important Rights of Parliament, and the essential Principles of the Constitution.

Constitution. Permit me, Sir, to add, my warmest thanks to you, and the other Gentlemen of the Committee, for the very favourable expression of your sentiments with which you accompanied the communication.

" I have the honour to be,

" With great regard and esteem,

" SIR,

" Your most obedient,

" A faithful servant.

" WILLIAM PITT."

SAM. BEACHCROFT, ESQ.

On Thursday the 29th of January, a court of COMMON COUNCIL was again held at GUILDHALL.

About half past twelve, the Lord Mayor took the Chair, and the Clerk read the minutes of the last Court.

Mr. Sheriff Curtis then rose and moved, that the letter from the Prince, he held in his hand, be read by the proper officer of the Court, which was done, and ordered to be entered on the books, and to be published in all the public papers. After which

Mr. Birch began, by stating the purport of his motion to address the Prince of Wales when appointed Regent, which embraced three distinct objects: The first was, to condole with him on the unhappy situation of his Royal Father, which, he trusted, would find its irresistible way to the feeling heart of every one present, and not be the worse accepted by the Prince for making respectful mention of their gracious Sovereign, as it would naturally evince to him their allegiance to the illustrious House of Brunswick, and give him the strongest earnest of their future loyalty to his own sceptre. Besides, *Mr. Birch* stated, when he remembered the oath administered but at the last Court of Common Council, and the breath of which was scarcely cold upon the lip, to watch over the 'Dignity,' as well as the Crown and Person of their beloved King, he could not readily become a convert to the new fangled doctrine of respect, as laid down by a sarcastic leader of Opposition, namely, to pay reverence to the Royal Image, in the person of the first born, and be a tame and silent witness to the Royal Image itself, being stripped of all its dignity.

The second object of his motion was to congratulate his Royal Highness upon his being invested with the government of these realms, and to assure him of their attachment to his person and government.

The third object which it embraced was, to call the Court of Common Council to a consistency in their own proceedings; to express to his Royal Highness the very high sense the Corporation entertained of the wisdom, zeal and integrity, of the present Administration, which had raised this country from poverty to affluence, from the lowest state of national debility to a situation of envy in the eyes of surrounding nations, unknown since the golden days of the immortal Earl of Chatham. When he alluded to consistency, he said, he wished to call their attention to three several records upon the Lord Mayor's table, bearing

ing the most unequivocal testimony of confidence and applause of that Court. The first was, upon their appointment in the Spring of 1784, when that Court unanimously addressed the Throne with Thanks for the dismissal of those very political servants, with whose re-establishment to power they were now threatened.

The second instance in the unanimous Vote of Thanks, and the Freedom of the City to Mr. Pitt, as a mark of gratitude for, and approbation of, his zeal and assiduity in supporting the legal prerogative of the Crown, and the constitutional Rights of the people.

The third instance, which was conferred no longer ago than December last, for his manly conduct on the important question of Right, for a deed so eminently glorious in itself, that had every other act of his Administration incurred the censure, instead of obtaining the applause, of that Court, that only would have placed him foremost as the true Patriot of Britain.

Mr. Birch said, that whatever might be the fate of the question that day, however divided the Members of that Court might be in sentiment, when party prejudice was done away, and posterity should review the great concern of the present hour, in the impartial page of the historian, they would turn with disgust from the ostentatious pillar at Runnymede, when they contemplated the accommodating politics of its founder; when they beheld the same man, with one hand, laying the first stone of that structure, becoming, as it were, heaven-directed, the unhappy planter of an eternal monument to his reproach, which should proclaim, in indelible characters, to the very heavens, the sacred principles which he had *professed*, and, in the same cross-grained moment, the sacred principles which he had *deserted*; when posterity should behold the same man laying this foundation with one hand, and, with the other, endeavour to pluck the seal from the sacred bond itself, by which those very principles, our dearest liberties were secured, they would turn to the fair and unspotted page, illumined with the wonderful administration of a second William Pitt, and revere his character as *the immortal champion of the British Constitution*.

He said, with respect to the time of passing such a vote, there could be but one opinion in the breast of such Members, as were with a consistent opinion, to address at all to that purport; it was a debt they owed to their country, their constituents, and themselves—he should therefore move the Address.

Mr. Dornford seconded the motion. He was persuaded there could be but one opinion upon the motion of addressing the Prince; all that would, he conceived, divide the Court, was, whether this was the proper time to bring forward that business. As he had the honour of bringing forward the former business of thanking Mr. Pitt and the 267 Members of the House of Commons for their late conduct, so he hoped to have had the honour of bringing forward the address to the Prince, when the Bill passed to declare him Regent of this country, but Mr. Birch had been before him; however, from the reasons which he had suggested, he felt it his duty to coincide with him on the present motion, hoping it would have this good effect in doing it at the present moment, by expressing the high sense the city of London had of the abilities and wisdom of his Majesty's present servants, it might cause his Royal Highness, from a benevolent desire to gratify the wishes of the citizens

of

of London, together with those of other corporations, counties, and towns, to retain in his service those servants of the Crown, which he must be convinced were so acceptable to the people, and which had so signally benefited this kingdom. That he hoped to have seen the country, which had been reduced very low by an unfortunate and unsuccessful war, raised by Mr. Pitt to that pitch of greatness in which it once was, when his late father quitted the helm of this nation. He was followed by Mr. Powell.

Mr. Powell said, that the same principle which induced him to rise at the last Court, occasioned him to request the attention of the Members to the question before them, which was founded upon a business that had caused the greatest variety of opinions among men, not only of the soundest learning, but the most experienced statesmen that ever sat in Parliament, respecting the legality of their proceedings. He said that the Court ought to be particularly attentive to their determination, as the business was now in an unsettled state in the great assembly of the nation; therefore, in his opinion, it must be premature, ill-timed, and unnecessary, at the present moment. *Mr. Powell* said, he could not help expressing his surprise at the conduct of several Members who had signed the requisition to the Lord Mayor, to assemble them together for the purpose of addressing his Royal Highness the Prince of Wales, to continue in power the present Minister, whose conduct those very Members had, in the strongest language, reprobated a short time since, for oppressing and burthening the people, by that partial and unfair impost, the Tax on Retail Shop-keepers; and although the Minister had been deaf to the prayers and petitions of the people, he was now become an angel and a saviour of his country. He said, that until that day, he had ever admired the abilities, the good sense, and candid conduct of those gentlemen, and had repeatedly, and with the greatest pleasure, joined them in many great and public points; but when those Gentlemen came forward to hold out dictation to the Heir Apparent, who must, at the demise of our most gracious Sovereign, become our King, and treat him as they would a puppet, not to permit either his hands or his feet to move, but when the Common Council thought proper to direct the strings, and that, contrary to the assertion of the Minister himself, they were to shackle him with such an Administration which should be approved only by the Members of that Court, he could not, in his conscience, or agreeable, he was persuaded, to the general sense of the Citizens of London, support such a doctrine. He concluded with declaring that he was convinced all moderate men would unite in their vote that day, upon the principle that the business before them was premature, ill-timed, and unnecessary. He therefore recommended the previous Question.

Mr. Box observed with *Mr. Powell*, that the business, at that moment, was quite unseasonable and out of time.

Mr. Lincoln was of the same mind, condemned the motion as quite improper, and said, that it was absurd to think of preparing an Address to a *non entity*. He observed, that the Prince was not Regent, and never might be, and they were about to do a thing wholly improper, and therefore he would move the Previous Question, which was seconded by

Mr.

Mr. Deputy Leekey, who reminded the Court, that the city had lost much by differing with the opposition administrations, particularly the bank of the river, the 500l. a year, the rent once offered by builders of the Adelphi, with many other disadvantages.

Sir James Sanderson, in a long and convincing speech, very ably supported the motion, shewing that the present moment was the critical moment for such a motion; that he hoped it would be attended with the most salutary consequences to the kingdom, and convince the Prince, not only of the good will of the city of London towards his Royal Highness, but of the high veneration they had for the person of their Sovereign, and also of his servants, who had so ably conducted the affairs of the country. That as the eyes of all were upon the city of London, it would be almost criminal in them to be silent at this time, and therefore he thanked the worthy Comoner for so seasonably bringing forward the motion. That by this means the exalted personage, who was to be their Regent, would be possessed of the genuine sentiments of the city of London, and he trusted, of the people at large. That London was considered as a tower of strength, when divested of little party prejudices, and what they did would be followed by the nation in general. That Mr. Pitt had been treading in his father's steps, who had saved the country, and had done great good to the nation, and he hoped would be enabled to do still more, if he was retained in the service of the Crown.

Mr. Alderman Newnham followed *Mr. Alderman Saunderfon* in a very able and manly speech; he reprobated the motion as wholly unreasonable, and combated every part of it with a great share of wit and strong irony. He also commented on *Sir James Sanderson's* speech with no inconsiderable share of humour, observing, that if they did not mean to dictate to the Prince, they meant nothing. Was it not better to stay till he was Regent, when all parties would be sure to be unanimous in the Address? He stated that the two Houses had already deprived him of many of the prerogatives belonging to him as Regent: that now the Court wanted to deprive him of the only one left, that of chusing his own political servants. He animadverted on the inconsistent conduct, as he termed it, of *Mr. Merry*, in arguing formerly so much against *Mr. Pitt*, concerning the Shop Tax, and then afterwards speaking so much for him, and pointedly condemned his conduct; concluding with declaring it to be his resolution to vote for the previous Question.

This brought up *Mr. Merry*, who very ably vindicated himself from the charges of the Alderman; contending, that though he had condemned *Mr. Pitt's* conduct respecting the Shop Tax, which was partial and unjust, that was no reason why he should not commend *Mr. Pitt* when he did right, which he had done in many instances. *Mr. Merry* also replied to many objections which had been made to the motion, in a long and sensible speech.

He was followed by *Mr. S. Thorpe*, who strongly contended on the absurdity of bringing forward the motion of an Address at this time, and declared he should vote for the previous Question.

Mr. Alderman Pickett, in a long speech, condemned the conduct of *Mr. Pitt* in general, saying, that he had done worse than even his predecessors in office; that he had raised a new power unknown to the Constitution; that the present motion was big with mischief, and would for ever drive *Mr. Pitt* from the Prince.

He

He was replied to by Mr. Alderman Le Mesurier, whose arguments were good, though his manner was somewhat liable to question.

Mr. Goodbehere followed the Alderman, and went over the same ground with Mr. Alderman Newnham, reprobating the impropriety and unreasonableness of the motion, and declaring for the previous Question. Mr. Goodbehere asserted, that by voting the Address moved, the City of London, instead of being a strong tower, they would become a tower of inconsistency and of ridicule.

Mr. Slade then rose, and in a strong and pointed speech, endeavoured to turn the present business into ridicule, by comparing it to the Irish Propositions, and took the side of the previous Question.

Mr. Alderman Sir Benjamin Hammet spoke strongly in favour of the motion, as he did his colleague in office Mr. Sheriff Curtis.

Mr. Alderman Sawbridge, in a manly and rather severe manner, combated the motion much in the way of Mr. Alderman Newnham, reprobating the conduct of Mr. Pitt; observing, that they did not know if the Prince would accept of the Regency, or if it might not be much altered before he accepted it. The Alderman informed the Court, that it was in contemplation to move, that it be only an annual bill, which would make the kingdom then entirely a Republican Government; that the City of London were going to follow the County of Devon, who had an Address sent down to them, from the Treasury, to his knowledge, and that they had altered that Address, to make it palatable to Mr. Baffards, one of the Members, who was not quite pleased with it. The Alderman severely condemned the conduct of Administration on that account,

This brought up Mr. Alderman Watson, who, in the best speech the writer ever heard from him, supported the motion, spoke in the most affectionate and exalted terms of his Majesty, celebrated the conduct of Parliament for what they had done, professed his admiration for the character of Mr. Pitt, answered all the objections of Mr. Alderman Newnham, and recommended it to the City to forget their particular interests on the present occasion, as swallowed up in that of the empire. The Alderman concluded with his hearty concurrence with the motion.

Mr. Alderman Newnham commented very severely on the speech of Mr. Alderman Watson, charging him with having called the interests of the City, low, mean, dirty, and pitiful, when compared to those of the nation.

Mr. Dornford called the Alderman to order, asserting that Alderman Watson had not used one of those expressions respecting the interests of the City.

Mr. Alderman Watson rose to explain.

Mr. Pariss, in a speech that did him honour, vindicated the motion from the absurdities which his friend, Mr. Powell, had charged it with.

Mr. Alderman Pickett rose again, and went over the same ground, condemning Mr. Pitt for his conduct respecting the Shop Tax.

Mr. Alderman Clarke said, he approved of an Address, but not now; that he was for thanking the present Ministers, which, he doubted not, would be carried, and wished Mr. Birch to make that alteration.

Mr.

Mr. Wilkes spoke a few words for the Address.

Mr. Tutett called for some motions, agreed to by the Court, on the improper conduct of *Mr. Pitt*, and condemned his conduct, declaring he would vote for the Previous Question.

Mr. Cowley was of the same mind, that the motion was at that time unseasonable.

At length *Mr. Birch* concluded the business by replying to some objections made by different members of the Court.

Soon after, the Question was put upon the deferring the business by the Previous Question, when the Lord Mayor declared the majority was, that the question be not now put.

A division being claimed, the Lord Mayor directed that *Mr. Lincoln* and *Mr. Deputy Leekey* should be Tellers for, and *Mr. Merry* and *Mr. Dornford* Tellers against the Previous Question, when it appeared.

For the Previous Question,	Against it,
10 Aldermen,	9 Aldermen,
78 Commoners,	73 Commoners,
2 Tellers.	2 Tellers.
—	—
90	84
—	—
Majority for the Previous Question, Six.	

Having given a particular account of the transactions in the City of London, which took the lead in addressing the Minister, it will be only necessary to specify the particular places which followed the example; only particularizing those where the Motion met with opposition; as the contents of the rest were nearly the same.

The first Address, subsequent to that of the Corporation of London, was from

The borough of New Windsor, in the county of Berks.

To this succeeded the following:

The city of Cambridge.

The city of Edinburgh.

The Magistrates and Council of the town of Glasgow.

The Chamber of Commerce at ditto.

The Merchants House at ditto.

Against the latter the following PROTEST was entered.

GLASGOW PROTEST

REASONS OF PROTEST by JAMES RICHARDSON, and those who adhered to him, against the Resolution of the TRADES HOUSE, on the fifth of January 1789, of returning thanks to the Right Hon. WILLIAM PITT.

1st, Because the measures were carried on in a most precipitate and irregular manner.

In

In all public and important questions, it is an invariable rule of the Trades House, to take the opinion of the Fourteen Incorporations before a decision is given, which was not done in the present case,

Besides, so lately as the first instant, the question concerning the propriety of thanking Mr. Pitt and his adherents, was introduced before this House, and it was then carried by a majority of the House to delay the determination of it to the sixth or eighth; but instead of waiting for that day, when a full meeting might have been expected, the subject was again prematurely introduced on the fifth, when many persons who had declared their sentiments against the measure, could not attend. Had it not been for the advantage gained by such a stolen march, there is every reason to believe, that instead of this Resolution being carried by a plurality of five votes, it would have been negatived by a majority of the meeting.

2d, Because we think it the height of presumption, for persons in our situation to obtrude upon the public our opinion, concerning those great national points which have lately fallen under the discussion of the two Houses of Parliament, and about which we find that men of the greatest learning and abilities entertain very different and opposite sentiments

3d, Because we are of opinion, that this Resolution of the Trades House was really and truly produced by the influence of that very Minister and his adherents, whom it thanks for his late Parliamentary conduct. It appears evidently to be the game of that party, in the present crisis, to procure, by their emissaries and connections, such votes or addresses as, to persons at a distance, and ignorant of the real state of facts, may seem to indicate the voice of the country in their favour.

4th, We have reason to fear, that the industry and zeal which are employed in the present emergency, to call meetings of corporations, to suggest votes of thanks to the Minister, to excite alarms by false suggestions and ill-grounded representations, and to lay hold of opportunities, when a packed majority can be procured, may be attended with the most fatal consequences.

James Richardson,
James Scott,
William Davidson,
Robert Hardie,
James Couper,
Andrew Hood,
John Shearer, jun.
John Robertson,

Peter Brown,
John Fleming,
William Steel,
James Steven,
William Buchanan,
John Maxwell,
James Patton.

The Town of Southampton.

The Town of Stirling.

The Magistrates and Town Council of Perth.

The Town of Maidstone.

The Corporation of Kingston upon Hull.

The Gentlemen, Clergy, Merchants, and Inhabitants of Halifax, in Yorkshire.

AGAINST

AGAINST THE ADDRESS TO MR. PITT.

At a Meeting of the Gentlemen, Merchants, Freeholders, and others, of the Town and Neighbourhood of HALIFAX, held at the Old Cock, in Halifax, the 15th of January 1789, to consider of the most proper mode of representing their disapprobation of the Address to Mr. PITT,

Sir GEORGE ARMYTAGE, Bart. Chairman;

It was Unanimously Resolved,

THAT it is the opinion of this Meeting, that the Advertisement alluding to the Address from Halifax, lately inserted in the two Leeds and York Papers, was highly necessary, to prevent any wrong impressions, which the Address to Mr. PITT, purporting to be "An Address of the Gentlemen, Clergy, Merchants, and Principal Inhabitants of the Town and Neighbourhood of Halifax," might otherwise have made, such Address being, by no means, the sentiments of any such body of people.

That Meetings called hastily, and Addresses signed by the Chairman only, may in future be productive of evils, and prejudicial to the peace of this town and neighbourhood, by misleading the minds of the Public, and therefore ought to be discountenanced.

That this Meeting expresses a deep concern at the long continuance of the mutilated and hazardous state of the Constitution, and anxiously wish that it may be speedily restored to its necessary state of perfection, either by the recovery of his Majesty, or by the exercise of the Royal functions in the person of the Prince of Wales, during the present unhappy indisposition of the Sovereign.

That this Meeting be adjourned to the 28th instant, at the White Lion, in Halifax, at Eleven in the Forenoon.

That the Thanks of the Meeting be given to Sir George Armytage, the Chairman.

GEO. ARMYTAGE, Chairman.

Signed by Sir GEORGE ARMYTAGE, Bart.

Sir JOHN RAMDEN, Bart.

Sir J. LISTER KAYE, Bart.

And a great number of Gentlemen.

The Borough of Gateshead in the County of Durham.

The Corporation of Leicester.

The Mayor, Freeholders, and Inhabitants of Newcastle-upon-Tyne.

Ditto Master, Pilots, and seamen of the Trinity House.

The Inhabitants of the Borough of Southwark.

The Borough of Bridport.

The Freeholders of the County of Sterling.

The Rotheram in Yorkshire.

The Gentlemen, Clergy and Freeholders of the County of Devon.

As the Resolutions of the Meeting, held at Exeter, were different from the former, and contain a clause to address the Prince of Wales, it is deemed necessary to insert it.

AT a Meeting of the High Sheriff, Gentlemen, Clergy, and Freeholders of the County of Devon, assembled by public notice, at the Castle of Exeter, January 16, 1789, during the Quarter Sessions, the following Resolutions were agreed to :

Resolved, That we feel it our duty, in the present alarming crisis, to declare, that the Right Hon. WILLIAM PITT has, in our opinion, justified, by his conduct in office, that confidence in his ability and integrity, which this county expressed at the time of his first appointment.

Resolved, That the Thanks of this County be given to the Right Hon. WILLIAM PITT, for his wise, economical, and laborious discharge of the duties of his present situation, for his attention to our Navigation, Trade, and Manufactures, and for his prudent and vigorous measures in the administration of foreign affairs; in consequence of which, this country now enjoys, under the blessing of God, peace, plenty, and encreasing opulence, extended commerce, security at home, and respect abroad, to a degree which has been unexampled, since the Administration of his illustrious Father the Earl of Chatham.

Resolved also, That the Thanks of this County be given to him for his whole conduct, in consequence of that awful and calamitous event, which suspends the exercise of the Executive Government; for his having invariably asserted and maintained the Rights of the people, and for his zealous and faithful attachment to the person and interest of our Sovereign, particularly manifested in the anxiety which he has shewn for enabling his Majesty, with returning health, to reassume, without embarrassment, the full exercise of his constitutional authority over a free and loyal people.

Resolved, That the Sheriff be desired to communicate these Resolutions to Mr. PITT, and to cause them to be inserted in the public papers.

Resolved, That Sir John Chichester, Bart. High Sheriff of this County; the Right Hon. Lord Fortescue, Lord Lieutenant; and John Rolle and J. P. Bastard, Esqrs. Members for this County, be desired to wait upon the Regent immediately after his appointment, with an humble Address, submitting to his Royal Highness, in the most respectful manner, the earnest and anxious wish of this County, for the continuance of his Majesty's present Ministers, as enjoying the marked approbation of their Sovereign, the confidence of both Houses of Parliament, and the general good opinion of their country.

Resolved, That the Thanks of this Meeting be given to the High Sheriff, for his upright and impartial conduct.

JOHN CHICHESTER, High Sheriff.

The borough of Scarborough
The town of Birmingham
The town of Lancaster
The borough of Sudbury

The city of Lichfield
The city of Exeter
The town of Coventry

To this Address the following Protest was made.

Coventry, January 24, 1789.

THE first intimation received by the Citizens of Coventry of an Address of Thanks, was through the London Newspapers. The Corporation, if wholly assembled, amount to forty-two. The Protest is signed by above fifteen hundred Inhabitants, and yet remains open for the numerous signatures which daily offer.

P R O T E S T.

We, the undersigned Inhabitants, Traders, and Freemen of the City of Coventry, finding that an Address of Thanks to Mr. Pitt and to the 267 Members of the House of Commons, from the Corporation of this City, has been privately agreed to, and presented, and not having been called upon at any general Meeting, to consider of the propriety of such an Address, do think it our duty, in this only public manner left to us, to declare our disapprobation and dissent.

We are of opinion, that a hasty interference in matters of nice discussion, now actually under deliberation in both Houses of Parliament, is calculated to excite party animosity, and to occasion dissensions among the people, at a time when from the unhappy malady of our Gracious Sovereign, the energy of our Constitution is suspended, and we are involved in difficulties, from which we cannot hope to be extricated, without the calm and united endeavours of the whole nation, we particularly disclaim any concurrence in such proceedings, as tend to diffuse distrust, and to embarrass and impede the administration of the executive power, to which, by the universal opinion of all his Majesty's loyal subjects, the Prince is so properly to be called.

The town of Woolverhampton	The town of Sunderland
The county of Dorset	The borough of Tiverton
The city of Aberdeen	The town of Plymouth
The town of Nairn	The county of Northampton
The city of Chichester	The city of Londonderry in Ireland
The town of Dumfarsline	The borough of Fortrose, Scotland
The borough of Leominster	The town of Inverness
The city of Oxford	The county of York
The town of Henly-upon-Thames	The borough of Devizes
The borough of Selkirk	The town of Saddleworth
The borough of Dumbarton	The borough of Newcastle-under-Line
The city of Canterbury	The borough of Anglesea
The county of Haddington in Scotland	The borough of Newark on Trent
The borough of New Woodstock	The borough of Warwick
The borough of Reading	The borough of Honiton
The town of Leeds	The borough of East Retford
The borough of Andover	
The city of Worcester	

The

The county of Northumberland against an Address.

Morpeth, January 21, 1789.

AT a Meeting of the Gentlemen, Clergy, and Freeholders of the County of Northumberland, held here this day, Gawen Aynsley, Esq. in the Chair, a motion was proposed by Rowland Burdon, Esq. and seconded by William Ord, of Fenham, Esq. that an Address of Thanks be presented to the Right Hon. William Pitt, for his conduct in Parliament on the present emergency. This motion being put, was negatived almost unanimously.

A motion was then made by Jonathan Thompson, Esq. and seconded by Sir H. Geo. Liddell, Bart. that the Thanks of this Meeting be given to Sir William Middleton, Bart. and Charles Grey, Esq. our worthy representatives. for their conduct in Parliament; which motion the Chairman refusing to put, he and his friends left the Town-hall abruptly.

Sir Henry George Liddell being then called to the Chair, the same motion was put and carried *nemine contradicente*; and the following Resolution was then agreed to.

Sir Henry George Liddell, Bart. in the Chair.

Resolved, That the Thanks of this Meeting be given to Sir William Middleton, Bart. and Charles Grey, Esq. our worthy Representatives, for their conduct in Parliament.

That the Thanks of this Meeting be given to Sir Francis Blake, Bart. and Sir Charles Grey, K. B. for the trouble they have taken in explaining the true principles of the Constitution, and declaring the real Rights of the people.

That the Thanks of this Meeting be given to John Ord, of Weetwood, Esq. and Jonathan Thompson, Esq. for their great exertions at this Meeting.

That (the Chairman having quitted the Chair) the Thanks of this Meeting be given to Sir Henry George Liddell, Bart. for his acceptance of, and impartial conduct in the Chair; and that he be requested to sign the above Resolutions, and cause the same to be inserted in the London, Newcastle, and every other newspaper in this kingdom.

H. G. LIDDELL.

THE TOWN OF MANCHESTER.

As there has been much difference of opinion in this opulent town, respecting the Address; the insertion of the following particulars will, no doubt, prove agreeable.

Manchester, January 14, 1789.

THE promoters of an Address of Thanks to Mr. PITT, industriously insinuate, that it conveys the sense of the Inhabitants of the town and neighbourhood of Manchester—How far that insinuation is well founded, will appear from the following numerous and respectable list of the Inhabitants of Manchester and the neighbourhood, who have already signed a Protest against that Address.—And it is hoped the example will be followed universally, by all who wish to approve themselves the friends of the town of Manchester, rather than of Mr. Pitt, or any other Individual.

We, the undersigned Inhabitants of the town and neighbourhood of Manchester, hearing of an intended Address of Thanks to Mr. PITT, from several Individuals of this town and neighbourhood, cannot but express our surprize at such a measure; more especially, as it remains un sanctioned by the voice of a public meeting, called expressly for the purpose of considering of the propriety of such an Address. We were in hopes, that in the present unsettled state of National Affairs, the good sense of the Inhabitants of this place, would have prevented any political interference on their parts; but as the intended Address to Mr. Pitt may be deemed to convey the sense of this town and neighbourhood, if no step be taken to counteract such an opinion, we think it our duty thus publicly to express our disapprobation of this proceeding, and to declare, that in our opinion Mr. Pitt has no claim to the Thanks of the Inhabitants of Manchester or the neighbourhood, and that such an Address is, at this time, peculiarly unnecessary and improper.

Signed by 500.

To which Protest the following Counter Protest appeared, Signed by 360.

Manchester, January 19, 1789.

IT having been repeatedly represented that the following Address does not convey the sense of the respectable Inhabitants of this town and neighbourhood, it has been thought proper to publish a copy of it, with a list of the subjoined signatures.

When the approvers of Mr. Pitt's ministerial conduct in general, called on the public to join them in the measure of thanking him for his services, they addressed themselves to the Gentlemen, Clergy, Merchants, Manufacturers, and principal Inhabitants of the town and neighbourhood; and the sentiments of persons of that description only, were those which they wished to collect. For the town's meeting which had been holden, having been described as consisting of the most opulent merchants and traders, by a majority of which it had been said to have been dissolved, it was, therefore, the aim of the friends to the Address to procure respectability, rather than numbers; sensible how easy names may be obtained by those who will condescend to solicit the signatures of the populace, and who value themselves upon what they style the universality of their supporters.

Against this Address, a Protest has been signed by a great number of individuals among which are the names of several Gentlemen, who are justly entitled to respect; but this being acknowledged, it is hoped that it will be allowed on the other hand, that the Addressers have an equal right, and equal capability, with their opponents, of judging of the wisdom, propriety, and necessity of any measure which may be submitted to their deliberation. And lists of the Addressers and of the Protestors being now before the public it is left to the candour of every one, acquainted with the Inhabitants of this town and its vicinity, to determine on which side the scale of respectability preponderates.

Manchester,

Manchester, January 8, 1789.

TO THE RIGHT HON. WILLIAM PITT.

S I R,

Persuaded that it is not only the privilege, but the duty of all good citizens of this free country to express their approbation of the conduct of Ministers of State, when such conduct shall have appeared particularly meritorious and conducive to the public good: We the undersigned Inhabitants of this town and neighbourhood, beg leave to offer you this testimony of our gratitude; and, to express our high approbation of your Ministerial and Parliamentary conduct in general, and of that ability and integrity with which you have supported the Rights of Parliament and of the Constitution; and, thereby essentially promoted the dearest interests of that community to which we belong.

Permit us, at the same time, to congratulate you on the honourable support your constitutional measures have received from very respectable majorities in both Houses of Parliament.

The Borough of Bridlington.

The Borough of Lanark, Scotland.

To the foregoing succeeded the following ADDRESS to the PRINCE of WALES.

A D D R E S S.

From the Loyal Burgesses, Heritors, and Traders of the Borough of Perth, assembled at their Guildhall.

To his Royal Highness GEORGE PRINCE of WALES.

May it please your Royal Highness,

WE, hereunto subscribing loyal Burgesses, Heritors, and Traders of the ancient borough of Perth, beg leave most humbly to approach your Royal Highness, with unfeigned sorrow and sentiments of sincere condolence, on account of the severe affliction with which it has pleased Divine Providence to visit your Royal Father, our well-beloved and most gracious Sovereign.

We, at the same time, rejoice, that in your Royal Highness, we have a Prince of the most benevolent disposition, and of the tenderest filial affections, capable of acting as Representative of your Royal Father; and when that event shall take place, we repose such confidence in your wisdom and patriotic virtues, that we firmly trust you will fill your Councils with such men as will manage the public affairs on the principle established at the glorious Revolution.

Guildhall, Feb. 2, 1789.

Signed by 283 of the Burgesses, &c.

Unto his Royal Highness the PRINCE of WALES.

The humble Address of the Magistrates and Town Council of the Burgh of Burnt-Island.

WE, the Magistrates and Council of the burgh of Burnt-Island, beg leave to approach your Royal Highness, in the present afflicting situation of these kingdoms, over which your Royal Highness was born to go-

vern, and to mingle with our fellow-citizens our heart-felt lamentations for the dreadful calamity with which your Royal Father is afflicted. We trust, that it will please Almighty God soon to restore our gracious Sovereign to his wonted health, that he may resume and occupy the functions of his high and exalted station.

Under the pressure of this national calamity, we feel ourselves animated and supported in the fullest conviction of your Royal Highness possessing, in an eminent degree, those princely virtues, those matured and well-calculated talents, which render you able to preserve, to the subjects of these kingdoms, the invaluable blessings which they have enjoyed under the mild and constitutional government of your illustrious House. Anxious in our wishes, and ardent in our prayers, for that happy period which may restore the health of our Sovereign, we confide in the wisdom of your Royal Highness, to place, during the continuance of the King's illness, in the high and important offices of the State, men, in whom, from well-tryed experience, your Royal Highness can repose trust; Ministers devoted by principle to the sacred Constitution of their country, and attached by the purest motives of regard and affection to your Royal Person and Dignity. Whilst, with due humility, we lay at your feet, sentiments of the deepest sorrow and concern for the distresses of the Royal Family, permit us to assure your Royal Highness of our firm and unalterable attachment to your person, and the free government of the realm, under your auspicious conduct; and that we shall be ready, with our lives and fortunes, to maintain the establishment in church and state, as recognized at the glorious era of the Revolution, and supported and strengthened in the illustrious House of Hanover.

Unto his Royal Highness the PRINCE of WALES.

The humble Address of the Heritors and Burgeses of the Burgh of Burnt-Island.

WE, the Heritors and Burgeses of the Burgh of Burnt-Island, while we lament the melancholy situation, in which it has pleased Almighty God to place our most gracious and beloved Sovereign, yet trust, that Divine Providence will soon restore him to an afflicted people, over whom he hath, for many years, governed with a most paternal affection.

During this unfortunate calamity, it affords us no small consolation, that we have your Royal Highness, the Heir Apparent, to the Crown of these Kingdoms, possessed, in a superior degree, of every amiable and necessary quality, to fill the office of Regent, during his Majesty's illness, to look to for the protection of our civil and religious liberties; and we cannot doubt but you will take into your councils, men, whose principles will ensure their conducting the government of the country, agreeable to the spirit of the Constitution, as established at the glorious Revolution.

Signed by a great number.

To

To his Royal Highness the PRINCE of WALES.

The humble Address of the Heritors and Burgeses of the Burgh of Kinghorn.

WE, the Heritors and Burgeses of the Burgh of Kinghorn, beg leave to approach your Royal Highness, and to sympathize with you, and the other branches of your illustrious family, upon the melancholy state of his Majesty's health, which has rendered the elevation of your Highness to your present situation necessary.

At the same time we congratulate ourselves, and the nation in general, that upon so unhappy a crisis we have an Heir Apparent to the Throne, who is every way qualified to fill it with honour to himself, and for the happiness and prosperity of these kingdoms, while it shall please God to continue his afflicting hand upon our beloved Sovereign.

The unequivocal demonstrations which your Royal Highness has already given of your firm attachment to the principles of the glorious Revolution, affords us the most satisfactory proof that you not only understand our happy Constitution, but will, to the best of your power, with the aid of such persons as you shall call to the administration of public affairs, and the firm support of a loyal and affectionate people, maintain it pure and uncorrupted, during the period of your present high trust, and that you will not forsake those principles, nor forget that conduct, when it shall please the Almighty to place an unfettered diadem upon your brow.

Signed by a great number.

To these may be added a similar Address from the county of Hants.

As the city of Westminster, in point of opulence, is next to the city of London, it claims a particular attention, especially as the sentiments of the public Meeting are in direct opposition to those of the city of London.

WESTMINSTER MEETING.

CROWN and ANCHOR TAVERN.

Saturday, February 14, 1789:

A NUMEROUS and respectable Meeting of the Electors of Westminster, was held this day, at the Crown and Anchor Tavern, in the Strand.

HARRY HOUSE, Esq. in the Chair.

When a Petition to the Right Hon. the House of Peers, was submitted to the consideration of the Meeting, expressive of the most strong, direct, and unqualified disapprobation of a Bill now pending in Parliament, entitled, "A Bill to provide for the care of his Majesty's Royal Person, and for the administration of his Royal Authority, during the continuance of his Majesty's illness."

The question was put from the Chair, that the said Petition be presented to the Right Hon. the House of Lords, which was carried in

an assembly composed of near two thousand Electors, without one dissentient voice.

The following Resolutions were afterwards moved, and were all carried unanimously.

RESOLVED, That the Thanks of this Meeting be given to our worthy Representatives, the Right Hon. LORD JOHN TOWNSHEND, and the Right Hon. C. J. Fox, for their able and zealous support in Parliament, of the true principles of the Constitution.

RESOLVED, That the Chairman of this Meeting do transmit a copy of the above Resolutions to the Right Hon. C. J. Fox, now at Bath, for the re-establishment of his health, expressing, at the same time, their sincere concern for the occasion of his absence, their anxious wishes for his speedy recovery; and the high sense they entertain of the distinguished talents and unshaken integrity with which he has, in every instance of his public conduct, uniformly and stedfastly maintained the real interest of the nation.

RESOLVED, That the Thanks of this Meeting be given to the truly patriotic Minorities in both Houses of Parliament, who resisted the daring and unprecedented attack made upon the most sacred principles of the British Constitution, by a Bill now pending in Parliament, entitled, "A Bill to provide for the care of his Majesty's Royal Person, and for the administration of the Royal Authority, during the continuance of his illness.

RESOLVED, That it is the unanimous wish of this Meeting, that his Grace the DUKE of BEDFORD should present the Petition adopted at this Meeting to the Right Hon. the House of Lords; and that he be requested to present the same.

HARRY HOUSE, Chairman.

The Chairman having left the Chair, it was unanimously

RESOLVED,

That the Thanks of this Meeting be given to HARRY HOUSE, Esq. for his great attention; and for his fair, upright, and candid conduct at the above Meeting.

The Petition lies at the following places, which the worthy Electors are requested to sign immediately.

The Crown and Anchor Tavern, Strand; the Shakespeare Tavern, Covent Garden; St. Alban's Tavern, St. Alban's-street; Mecklenburgh Coffee-house, Cockspur-street; Osborne's Hotel, Adelphi; Hungerford Coffee-house, Strand; Coachmaker's Arms, Long Acre; Black Lion, Ruffel-street, Drury-lane; Queen of Bohemia's Head, Wych-street; Ship, Palace-yard; King's Arms Tavern, Compton-street, Soho; Braun's Head Tavern, Bond-street; and Mr. Debrett's, Piccadilly.

The following is the LETTER sent by Mr. PIT'T to the Prince of WALES on the subject of the RESTRICTIONS on the REGENT, and which is adverted to in the preceding debates.

To

To his ROYAL HIGHNESS the PRINCE of WALES.

SIR,

THE proceedings in Parliament being now brought to a point, which will render it necessary to propose to the House of Commons the particular measures to be taken for supplying the defect of the personal exercise of the Royal Authority, during the present interval; and your Royal Highness having, some time since, signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully entreating your Royal Highness's permission to submit to your consideration the outlines of the plan which his Majesty's *confidential servants* humbly conceive, (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

It is their humble opinion, that your Royal Highness should be empowered to exercise the Royal Authority in the *name* and *on the behalf* of his Majesty, during his Majesty's illness, and to *do all acts* which might legally be done by his Majesty; with provisions, nevertheless, that the *care* of his Majesty's *Royal Person*, and the management of his Majesty's *Household*, and the *direction and appointment of the Officers and Servants therein*, should be in the *Queen*, under such regulations as may be thought necessary. That the power to be exercised by your Royal Highness should not extend to the granting the real or personal property of the King, (except as far as relates to the *renewal of leases*) to the granting any office in reversion, or to the granting, for any other term than during his Majesty's pleasure, any pension, or any office whatever, *except such as must by law be granted for life, or during good behaviour*, nor to the granting any rank or dignity of the Peerage of this realm, to any person, except his Majesty's issue who shall have attained the age of twenty-one years. These are the principal points which have occurred to his Majesty's Ministers.

I beg leave to add, that their ideas are formed on the supposition that his Majesty's illness is only *temporary*, and may be of no *long duration*. It may be difficult to fix before hand, the precise period for which these provisions ought to last; but if unfortunately his Majesty's recovery should be protracted to a more distant period than there is reason at present to imagine, it will be open hereafter to the wisdom of Parliament, to re-consider these provisions, whenever the circumstances appear to call for it.

If your Royal Highness should be pleased to require any farther explanation on the subject, and should condescend to signify your orders, that I should have the honour of attending your Royal Highness for that purpose, or to intimate any other mode in which your Royal Highness may wish to receive such explanation, I shall respectfully wait your Royal Highness's commands.

I have the honour to be,

With the utmost deference and submission,

SIR,

Your Royal Highness's

Most dutiful

And devoted Servant,

Downing-street,
Tuesday Night, Dec. 30, 1788.

W. PITT.

The

The Answer of his ROYAL HIGHNESS was as follows:

“ THE Prince of Wales learns from Mr. Pitt, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince, the outlines of the plan which his Majesty’s confidential servants conceive proper to be proposed in the present circumstances.

“ Concerning the steps already taken by Mr. Pitt, the Prince is silent—nothing done by the two Houses of Parliament can be a proper subject of his animadversion; but when previously to any discussion in Parliament, the outlines of a scheme of Government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the Royal Authority, and the public welfare, may be deeply affected, the Prince would be unjustifiable were he to withhold an explicit declaration of his sentiments. This silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his Father and Sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both. In the state of deep distress, in which the Prince, and the whole Royal Family were involved, by the heavy calamity which has fallen upon the King, and at a moment when Government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince, that a plan should be offered to his consideration, by which Government was to be rendered difficult, if not impracticable, in the hands of any person, intended to represent the King’s Authority;—much less the hands of his eldest son, the Heir Apparent of his kingdoms, and the person most bound to the maintenance of his Majesty’s just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people!

“ The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiments in the projectors of it. But he trusts with confidence to the wisdom and justice of Parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

“ He observes therefore, only generally, on the heads communicated by Mr. Pitt, and it is with deep regret the Prince makes the observation, that he sees, in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the administration of affairs. A project for dividing the Royal Family from each other; for separating the Court from the State, and thereby disjoining Government from its natural and accustomed support. A scheme disconnecting the authority to command service from the power of animating it by reward; and for allotting to the Prince all the insidious duties of Government, without the means of softening them to the Public, by any one act of grace, favour or benignity.

“ The Prince’s feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and distrust (wholly

(wholly groundless he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain. With regard to the motive and object of the Limitations and Restrictions proposed, the Prince can have but little to observe. No light or information is afforded him by his Majesty's Ministers on these points. They have informed him *what* the powers are, which they mean to *refuse* him, not *why* they are *with-held*.

“ The Prince however holding, as he does, that it is an undoubted and fundamental principle of the Constitution, that the powers and prerogatives of the Crown are vested there, as a trust for the benefit of the people, and that they are sacred only as they are necessary to the preservation of that power and balance of the Constitution, which experience has proved to be the true security of the liberty of the subject, must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the Supreme Power of its Representative; or which can justify the Prince in consenting, that in his person, an experiment shall be made to ascertain with how small a portion of the kingly power, the Executive Government of this country may be carried on.

“ The Prince has only to add, that if security for his Majesty's repossessing his rightful government, whenever it shall please Providence, in bounty to this country, to remove the calamity with which he is afflicted, be any part of the object of this plan; the Prince has only to be convinced, that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and permanent consideration of any settlement in which he could consent to share.

“ If attention to what is presumed must be his Majesty's feelings and wishes on the happy day of his recovery be the object, the Prince expresses his firm conviction, that no event would be more repugnant to the feelings of his Royal Father, than the knowledge that the government of his Son and Representative had exhibited the sovereign power of the realm in a state of degradation, of curtailed authority, and diminished energy—a state hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the society of the Monarch, and rights of his family.

“ Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor yet proper to suggest to the Prince the restraint he proposes against the Prince's granting away the King's real or personal property.

“ The Prince does not conceive, that, during the King's life, he is by law, entitled to make any such grant; and he is sure that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the Royal Family, and to provide a proper and natural security against the mismanagement of them in others.

“ The Prince has discharged an indispensable duty in thus giving his free opinion on the plan submitted to his consideration.

“ This conviction of the evils which may arise to the King's interests, to the peace and happiness of the Royal Family, and to the safety and welfare of the nation, from the Government of the country remaining

remaining longer in its present maimed and debilitated state, outweighs, in the Prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity, which, of all the King's subjects, he deplores the most) in full confidence, that the affection and loyalty to the King, the experienced attachment to the House of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the public."

The second examination of the Physicians having occasioned much debate in the House of Commons, in which particular circumstances in the examination are alluded to ; the following is extracted from it. The whole is of too great length to be admissible in this work, and it has already been published. The most interesting parts are, therefore, extracted from the official copy, printed by order of the House.

E X T R A C T S

From the REPORT of the COMMITTEE, appointed to re-examine his MAJESTY'S Physicians.

The Rev. Dr. FRANCIS WILLIS called in and examined.

WHETHER in your opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business ?

Certainly not capable.

Whether you can now inform the Committee, or can by to-morrow enable yourself to inform them, when, and how often, coercion has been used since your last examination ?

I believe I could not ; I will endeavour to do it, but I have no idea that I can.

When did you last use means of coercion to your patient ?

Either Saturday or Sunday, I do not recollect which.

Whether there has been any direct, or indirect attempt made by any of the Physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation ?

I have once or twice refused to sign the certificate, thinking that his Majesty was better than the certificate implied.

Do you mean that you did not sign ?

I persisted in the refusal till it was altered, and then I did sign it ; but latterly I have scarcely read it over, and did not mind whether it was exactly agreeable to my opinion, or not, rather than have any words.

Did you, in the instances to which you refer, differ in opinion from all the other Physicians attending ?

The two Physicians present I differed from ; there are but two attending in the morning to sign it, except my son.

What

What means did you use to persuade the Physicians to alter the account, and adopt your opinion?

That if I had a patient at home that had passed so many hours in such a state, I should conclude that patient was better.

Did Dr. Willis use any other means than arguments of that kind; did he hold out any idea of pleasing, or displeasing, considerable persons?

No, none at all,

Are you sure, that on Friday last, the 2d of January, you did not use such arguments?

I will not be sure that I might not say the alteration that was sent down by a certain personage, was not worth while disputing; and, at the same time, that I thought it nearer the truth; for Dr. Warren did hold out, that he should think no person better, till they were perfectly well, under such an indisposition. I asked the Doctor, if a person, so indisposed, should not say one sensible word in twenty-four hours, and the next twenty-four hours say but one word, that he would not say, if he was not indisposed, whether he would not think him better; and he told me—No.

When you answered the last question but one, had you in your memory the circumstances you have mentioned?

I had not; I do not know that I certainly did say it? but I thought it, and very likely might say it.

Whether those alterations, sent down by a certain personage, were, or were not, suggested by you?

They certainly were not; they were brought down by two ladies.—The paper, as sent up, was concerted among the Physicians then present; was carried up, I believe, by General Gordon, and was returned by the two ladies, I believe.

Do you recollect whether the alterations were made on the same paper on which the account was drawn up by the Doctors, or on different paper sent down?

As well as I remember, it was not altered at all—but proposed by the ladies to be altered.—I believe the alterations were not adopted—I am not sure, but I think not.—I believe the account went to St. James's in the same form.—I really do not charge my memory with it; it was not worth while for me to remember.

Whether Dr. Willis does not conceive the account sent to St. James's to purport to contain the true and exact opinion of the Physicians who sign it, upon the state of his Majesty's health?

Yes; as well as three can agree in opinion.

Do you mean to say, that you signed your name to any statement of the King's situation, to which you do not agree?

If it was not so favourable as I thought, I signed it, rather than have any dispute.

Then, in point of fact, have you signed accounts of the King's health, which, in your own mind and conscience, you did not believe to be correct?

I believe no three Physicians ever writ a prescription for a patient that was exactly conformable to each of their wishes.

Whether you consider the account sent to St. James's as a prescription, or as a statement of facts?

As a statement of facts, as near as we could agree.

Are

Are the Committee to understand that the public have been, in any measure, deceived by those accounts sent to St. James's, as far as the authority of Dr. Willis's name was concerned ?

I have done my utmost to prevent their being deceived.

What do you mean by having done your utmost ?

I argued with the Physicians as much as I could for other words to be put in, but in vain.

Do you recollect whether the alteration, which you stated to Dr. Warren not to be worth disputing, was a material one ?

If I had thought it worth disputing, I should have thought it a material one.

Do you remember what the alteration was ?

I cannot answer that, but it may be known.

Whether you have, at any time, made any complaint or protest to any person in authority about the King, or to any of his Majesty's Ministers, upon the subject of the accounts sent to St. James's, or given them information that such accounts were not to be depended upon as correct, as far as your name was concerned ?

I do not remember any thing at all about it.

Doctor RICHARD WARREN called in, and examined.

Whether, in his opinion the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business ?

Incapable.

Whether, in his Majesty's disorder, Dr. Warren sees any present signs of convalescence ?

No.

What circumstances in your judgment, would constitute a cessation of his Majesty's complaint, as contra distinguished from a cure ?

My rule of judging whether a person in this situation is recovering, is as follows :—If the patient recovers his reason, or becomes himself again, only for an hour, I pronounce that the complaint has ceased, and that he is mending; if the next day, or any short time afterwards, the interval becomes two hours, I pronounce him better; if the interval becomes longer and longer, I pronounce him advancing in his cure.

What circumstances, in Dr. Warren's judgment, form a cure ?

The patient remaining perfectly himself without any return of his former complaint.

Whether, if nine persons out of ten, placed under the care of a person who had made this branch of medicine his particular study, had recovered, if they were placed under his care within three months after they had begun to be afflicted with the disorder, Doctor Warren would not deem such persons either very skilful or very successful.

If he was a sensible man I should deem him skilful; if he was not, I should deem him successful.

Whether Dr. Warren has not understood from Dr. Willis, that he was more confirmed lately, in his hopes of his Majesty's recovery, than he was at the time of his former examination before the Committee ?

Dr.

Dr. Willis spoke very sanguinely of a speedy cure, soon after the time of his former examination; he has held the same language ever since, but spoke in stronger terms of amendment being actually obtained last week, than at any other time.

Has Dr. Warren known any instance of any Physician, or other person attending on his Majesty, sending any written account of his Majesty's situation, stating his Majesty to have been in a calm and mending state, at a time when he (Dr. Warren) had reason to know that his Majesty's situation and state were the reverse?

Dr. Willis has written letters to the Prince of Wales, expressing his Majesty to be much better than I apprehended his Majesty to be at that time, declaring progress in cure that I could not discover.

Has Dr. Warren had any discourse, or difference of opinion, with Dr. Willis, respecting any other letter, of the same description, to any other person?

I was informed that Dr. Willis wrote such a letter, at twelve o'clock at night, the day of the debate in the House of Commons; I spoke to Dr. Willis on the subject of this letter the next morning, and told him that he did wrong to write such an account, when it was not true: I afterwards enquired, and could not find that the Doctor had written such a letter, and told him that I had done him an injury in charging him with it, as I could not prove it.

Does Dr. Warren recollect to whom that letter was supposed to be written?

The report was, that it was written to Mr. Pitt.

Does Dr. Warren recollect from whom he received that information?

There was a report current, throughout the town, that Mr. Pitt had read such a letter at White's, at five o'clock in the morning.

Does Dr. Warren recollect what was stated to be the substance of that supposed letter?

In general terms, that his Majesty was greatly better, and was likely to be speedily well.

Does Dr. Warren recollect, in what terms he stated to Dr. Willis his disapprobation of his writing such a letter, or the substance of them?

That, as his Majesty was remarkably bad, and under coercion that night, he could consider it only as a political letter, which he thought wrong from a physician.

When did Dr. Warren tell Dr. Willis that he had done him an injury, in charging him with having written such a letter?

To the best of my recollection, it was the next time of my going to Kew after I had charged him with writing it, which, if so, must have been the second day after the charge.

Had Dr. Warren then had an opportunity of seeing the original letters written to Mr. Pitt, on the day of the debate to which he alluded, and on the following day?

I had seen a letter, written, as I thought, by Dr. Willis's son, dated at half an hour after five in the afternoon of the day of the debate—I do not know whether I saw a letter written the day after or not—I believe I might have done so if I pleased.

Whether the letter which Dr. Warren did see, did contain a just description of his Majesty's situation, according to Dr. Warren's opinion?

When

When I came to Kew the morning following, I was informed by Dr. Willis that his Majesty had had a violent paroxysm that night, which came on at seven o'clock in the evening preceding; but how his Majesty exactly was at half an hour after five, I do not know.

Whether the letter, dated at half an hour after five, gave a favourable account of his Majesty?

To the best of my recollection, it contained a favourable account.

Whether Dr. Warren had any information given him of the time when this letter was received?

I do not remember that I had.

Did Dr. Warren understand, from any of the other attendants on his Majesty, that his Majesty had been, in any part of that day, in a particular amended state?

No.

Did Dr. Willis make any reply, when Dr. Warren told him he had done wrong to write such a letter, when it was not true?

Dr. Willis, by his behaviour, appeared to me at that time to own it.

Whether there has been any direct or indirect attempt made by any of the physicians, at any time, to controul or influence you with respect to the account to be given of his Majesty's situation?

Dr. Willis, on Friday last, made a very unwarrantable use of the name of a great person; I call it unwarrantable, because I cannot believe that he could have authority to use it to influence me, while the Report to be sent to St. James's was composing;

Will Dr. Warren relate the circumstances of that transaction?

The Report proposed to be sent was written thus:—"His Majesty passed yesterday quietly, has had a very good night, and is calm this morning." Dr. Willis desired that some expression might be made use of, indicating that his Majesty was advanced, since the day before, in his cure; I objected to this, because I had ample reason, from my conversation with his Majesty, and from the information which I had received from Mr. Charles Hawkins, to think the contrary true; Dr. Willis then said, "a certain great person will not suffer it to go so, and it will fall upon you."

Are you sure you are correct in these words?

I believe I am: I took the words down as soon as I came home. Dr. Reynolds was present when the words were spoken. I made no observation to Dr. Willis on those words; but, after talking with him a little more on the subject of his Majesty, composed, together with Dr. Reynolds, the following Report:—"His Majesty passed yesterday much in the same manner as he did the day before; has had a very good night; and is this morning as he was yesterday." Dr. Reynolds, Dr. Willis, and Warren, signed this Report; it was sent up stairs, and was returned, with an order to change the words, "as he was yesterday," into "continues to mend." Dr. Warren desired the honour of an audience; and, upon stating his reasons why no amendment had taken place, the words "continues to mend," were given up, and the sentence, "is this morning in a comfortable way," was substituted in their place.

When Dr. Willis used these expressions, "a certain Great Person will not suffer it to go so, and it will fall upon you;" whether Dr. Warren understood those words to convey to him, that a perseverance,

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in his opinion, would draw upon him the displeasure of the Great Person alluded to?

I was clear that Dr. Willis meant I should think so.

Whether the fear of the displeasure of that Great Person would, or would not, be a powerful motive of action with Dr. Warren, in any case where his conscience and honour did not prevent him paying attention to such a motive?

It most certainly would.

Were the words Dr. Warren stated to have been given up, given up immediately after his stating his objections?

After I had stated my objections, and supported them with several arguments, the words were given up; and upon my saying, "that though his Majesty was not mended since yesterday, yet that he was in a comfortable way this morning, which I hoped tended to a cure," the word "comfortable" was immediately adopted.

Whether, upon Dr. Warren's stating, that he objected to those words, they were immediately given up? or, Whether there was any inclination shewn to induce Dr. Warren to sign the altered Report, after he had stated that he objected to the alteration?

There was no inclination shewn to give up the words, till the word "comfortable" had been used,

Is the Committee to understand then, that during that period in which it was understood that Dr. Warren objected, but the arguments upon which he objected were not understood, an inclination was still shewn to induce him to sign the altered Report?

The Great Person seemed to be so strongly persuaded, that there was a real amendment that morning, that it was necessary to produce several arguments to convince that Person of the contrary; until that conviction was obtained, there appeared an expectation, that I should adopt the words "continues to mend."

Whether Dr. Warren did, or did not, peremptorily refuse to sign the altered Report?

No;—that Great Person adopted the word "comfortable," and I immediately retired to put it into the Report.

Whether, subsequently to this audience, any thing passed relative to this transaction?

Yes;—Lady Harcourt, and Lady Charlotte Finch, followed me down stairs, and enquired of me, who the person was from whom I had my information relative to his Majesty's health that morning? I answered, from Mr. Charles Hawkins. When Mr. Charles Hawkins appeared, he was asked by the two ladies what he had said to me that morning respecting his Majesty's health? He gave them an account, and they retired. The next time that I went down to Kew, I was treated with marks of attention and respect that I had not received for some time before.

Sir LUCAS PEPYS again called in, and examined.

Whether Sir Lucas Pepys does not hold himself responsible in his character to the public, for the truth of the Report sent to St. James's, to which he signs his name?

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Certainly

Certainly not for the whole truth ; as we considered it as unnecessary to wound the feelings of her Majesty and the rest of the family, by saying more than was absolutely necessary.

Whether, if there has been any error or imperfection in the accounts sent to St. James's, Sir Lucas Pepys conceives it to have consisted in representing his Majesty's state to be worse than it is ?

Directly the contrary.—I have always endeavoured to represent his Majesty's situation in the most favourable light.

Whether Sir Lucas Pepys considers it to be his duty to take care, as far as depends on him, that the Report sent to St. James's shall convey such an account as may not tend to mislead the public respecting the state of his Majesty's health ?

Till after the examination before the Privy Council, every account was purposely framed to give the public no sort of information of his Majesty's situation. Since that period, we have endeavoured, as much as possible, to represent his Majesty's situation as favourable as possible, consistent with truth, though without mentioning particular circumstances.

Whether, under any explanation of the words " continues to mend," Sir Lucas Pepys would think himself warranted to sign a Report containing those words, if he was not convinced, either by his own observation, or the information of others, that there had been previous signs of amendment as leading to a convalescence ?

Nothing could induce me to sign the words, " continues to mend," unless I had, from my own observations, discovered evident signs of gradual approaches to convalescence, under any explanation whatsoever.

Whether you know when the order mentioned by you yesterday, that no person should be admitted without the leave of Dr. Willis, was first made ?

I cannot justly say whether it was five, six, or seven days ago, but somewhere thereabouts. As far as I can recollect, it must have been on Friday last—I never saw it till I was down the time before last—it was when I came down at four o'clock on Friday.

Do you recollect the terms of the order ?

The purport of it is, that it is ordered that no person shall go into his Majesty's apartment without the leave of one of the Dr. Willis's.

Whether to your knowledge, any improper persons, either by means of the Physicians, or of others, had obtained admission into his Majesty's apartment, to make the issuing such an order necessary ;

I know of no person having been admitted into his Majesty's apartment, except those who are in usual attendance upon him, unless Dr. Willis's son, the Clergyman, may be considered as such ?

Is that son a Physician ?

No.

Whether you have not observed that patients under this malady may enjoy a state of considerable bodily health, the free use of all their bodily organs, and of all the bodily functions, and yet still labour under a mental distemper ?

Undoubtedly.

Whether in this malady there may not be a temporary and partial use of understanding, when at the same time the general mental faculties continue much deranged ?

Certainly.

Certainly.

Whether you have not observed, that the favourable circumstances which occur in one day, have frequently been overturned the next ?
Continually.

Sir GEORGE BAKER called in, and examined.

Whether in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business ?

Certainly.

Can you inform the Committee, whether a majority of persons, who have been afflicted with this malady at his Majesty's time of life, have recovered ?

I can only answer that by conjecture ; I believe not.

Whether the medical attendants are persons who could give the most correct information to this Committee, of the fact how his Majesty passed the night ?

Certainly, if the medical attendant did not sit up, he could not.

Whether you do not think that those four medical attendants on his Majesty are capable of giving information, respecting his Majesty's situation, worthy the attention of this Committee, in addition to the information they receive from his Majesty's Physicians ?

The four medical attendants are very sensible men ; each of them stays in the House 24 hours in his turn ; and I think each of them capable of giving this Committee satisfaction with respect to any questions they may ask.

Whether they do not examine into the state and manner in which his Majesty passed the night, previous to the arrival of the Physicians ?

They used to do so till lately.

How long have they ceased to do so, and upon what account ?

I think it was last Saturday morning, that I saw a paper stuck up over the chimney of the pages room, with an order to this effect ; " No one, but the pages, is allowed to go to his Majesty, except introduced by one of the two Dr. Willis's".

Does Sir George Baker know of any instances of improper persons having been introduced to his Majesty's apartment, either by the Physicians or others, to cause the issuing of that order ?

No.

By whose authority was that order issued ?

I asked Dr. Willis ; he said that he wrote it, without any further answer.

Did Sir George Baker converse with any of the medical attendants respecting that order, or understand from them that they were excluded by it from entering, as they were used to do, his Majesty's apartment, unless with the permission of Dr. Willis or his son ?

It was generally understood by the Physicians that the order was intended to exclude them and the medical attendants, unless introduced by Dr. Willis or his son.

If there has been any error or imperfection in the account sent to St. James's, does Sir George Baker conceive it to have consisted in representing his Majesty's situation worse than it is ?

If there has been any error or imperfection, it has been in representing his Majesty's state better than it is.

Whether the Physicians, or some of them, since this order was made, have daily seen his Majesty?

Always, with Dr. Willis.

Whether, previous to the issuing of that order, and since Dr. Willis has been attending his Majesty, Sir George Baker has not had frequent opportunities of seeing and conversing with his Majesty, not in the presence of Dr. Willis or his son.

When his Majesty first came from Windfor to Kew, I conceived that I was at liberty to visit his Majesty at any time; but afterwards I found it was disagreeable to Dr. Willis that I should go in without him, and therefore I have of late very seldom, if ever, visited his Majesty but in company with Dr. Willis.

Does Sir George Baker conceive, that Dr. Warren, or himself, or any other Physician attending his Majesty, would now be deprived of the same means of information, respecting the state of his Majesty in their absence, upon which Dr. Warren then formed, in part, his judgment, unless with the permission or consent of Dr. Willis or his son?

If that order, set up by Dr. Willis, takes place, it will not be in the power of any of those medical gentlemen to give us any information.

How long have you been employed as Physician to his Majesty?

Ever since the death of Sir Richard Jebb—about a year and a half, I think.

Has Sir George Baker attended his Majesty only, or has he been employed in attending the Royal Family?

Both his Majesty and all the Royal Family; I mean the family at Windfor, and at Kew.

Is Sir George Baker now employed to attend on the Royal Family?

Only the King—not the Royal Family.

Doctor HENRY REVELL REYNOLDS called in, and examined,

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable either of coming to Parliament, or of attending to public business?

It does render him incapable, unquestionably.

Would Dr. Reynolds think a person, who has made this branch of medicine his particular study for twenty-eight years, and under whose care nine out of ten of the persons who have been put under that care within three months after they had begun to be afflicted with that disorder had recovered, a person skilful in such cases?

Yes, if I could believe the fact.

Whether, to induce Dr. Reynolds to believe such a fact, he would not require some further evidence than the assertion of the person who stated himself to have been so successful?

I certainly should require further evidence than the assertion of any man, to induce me to believe such a fact.

Whether, in the case before us, a state of quiet has not often succeeded a state of irritation, and a state of irritation a state of quiet—and

and what was the difference observed in each state with regard to mental anity in this case?

There have been frequently such vicissitudes, and there have been nearer approaches to reason in a state of quiet than in a state of turbulence; but I think not invariably so; this is to the best of my recollection at present.

Was Dr. Reynolds present at a discussion which took place on Friday the 2d instant, between Dr. Willis and Dr. Warren, respecting the account which was that day sent to St. James's?

I was.

Relate what passed on that occasion?

When Dr. Warren came down to Kew on Friday morning the 2d instant, I saw him before he visited his Majesty, and told him how I found his Majesty the evening before, and that morning when I visited him. After Dr. Warren had waited upon his Majesty, he came into the room where we usually consult, and, after agreeing upon the prescription for the day, we proceeded to consider what report we should send to St. James's; there were then present in the room, Dr. Warren, Dr. John Willis, and myself; and, as nearly as I can recollect, Dr. Warren and I agreed upon this report: "His Majesty passed yesterday quietly, has had a very good night, and is calm this morning." I wrote it, read it over, and Dr. John Willis objected to it, alledging that it was not descriptive of his Majesty's amendment, for that he certainly was much better, having, on the preceding day and on that morning, said many pertinent and rational things. Dr. Warren contended, that several things said properly proved nothing; but that some things said immediately afterwards improperly were decisive. Dr. John Willis contended, that a mitigation of symptoms was amendment. Dr. Warren did not consider that any amendment could take place till there was an interval of an hour, or more, of reason and judgment. While they were in this argument, Dr. Willis, senior, came in, was shewn the report intended to be sent to St. James's, and did not at first reading it disapprove of it; but upon Dr. John Willis's observing, that it did not contain so favourable an account of his Majesty's situation, as the report which had been sent on the preceding day, he objected to it, contending that there was a material amendment, which ought to be reported.—Dr. Warren and myself, not seeing his Majesty's state in the same light, thought that the report held out sufficient hopes to the public. Doctors Willis (I think both, but I am certain Dr. Willis, senior) observed that the Queen would not suffer it to go so; and I cannot exactly recollect what words immediately followed, but Dr. Willis, senior, addressing himself to Dr. Warren, said "that it would fall upon him:" That expression I particularly remember.—We talked again upon the subject, and drew up the following report: "His Majesty passed yesterday much in the same manner as he did the day before, has had a very good night, and is this morning as he was yesterday." This report was carried up stairs, and when returned, it was accompanied with a desire that we would add to the end of the last sentence, "continuing mending:" I speak to the best of my recollection.—This seemed to Dr. Warren and myself more than the state of his Majesty authorized us to say. Dr. Warren therefore desired the honour of an audience of her Majesty, which was granted;

and when he returned, the last part of the report was altered as follows: "and is this morning in a comfortable way," instead of "is this morning as he was yesterday." I speak from memory—I have no notes. Dr. Willis continued arguing warmly with Dr. Warren, while I was writing the three reports—they were in the next room to that in which I was writing—the door wide open; and I heard Dr. Willis say to Dr. Warren, amongst other expressions of disagreement with him in opinion, that if Dr. Warren held the opinion which he maintained, that it impeached his common sense, or something else; to which Dr. Warren made no reply, only desired the persons present, among whom were Lady Harcourt, Lady Charlotte Finch, and General Gordon, to observe that Dr. Willis had made use of such an expression. Dr. Warren conducted himself, through the whole of this unpleasant business with admirable temper.

Should not Dr. Reynolds consider the signing his name to any account sent to St. James's which tended to mislead the public into a less favourable opinion of his Majesty's state than the fact warranted, as equally culpable in him, as the giving untrue information to this Committee?

I should think it highly culpable to do so.

When did Dr. Reynolds first hear of the order, that no person should be admitted into his Majesty's apartment, without the permission of Dr. Willis, or his son?

I first observed that written order fixed above the chimney, in the pages room, on Sunday last.

Does Dr. Reynolds know when it was first put up?

I understood it was put up on Friday last; it was not put up when I was last in that room on Friday.

Was that the day on which the difference of opinion happened between Dr. Willis and Warren?

It was.

Did Dr. Reynolds or Dr. Warren in any measure ground the opinion, which induced them that day to differ from Dr. Willis, upon information received from Mr. Charles Hawkins, or other of the attendants, who were then permitted to have access to his Majesty's apartment?

I formed my opinion from what I personally observed in his Majesty.

Did Dr. Reynolds hear Dr. Warren quote the authority of Mr. Hawkins's representation of the state in which the King had been in, in support of his objection to signing the altered report?

I did hear him.

Does Dr. Reynolds know, or did he ever hear, of any improper persons having intruded, or being admitted, into his Majesty's apartment, to make the issuing of that prohibition necessary?

I do not know any thing that has made that prohibition necessary or proper.

By what authority did Dr. Reynolds understand that notice or order to have been fixed up in the Pages room?

As it did not seem to me to be signed by any person of authority, I paid no attention to it myself, and made no other enquiries about it, except who put it there; and was told Dr. Willis; but I took a copy of it. I did hear Dr. Willis to-day, in the outer room here, say that it was put up by the authority of the Lord Chancellor, which I did

not

not hear before; he said so in my presence, and, I think, in that of Dr. Gisborne.

Whether, in Dr. Reynolds' opinion, the four medical assistants, who are in constant attendance on his Majesty, are not competent to give information worthy the attention of this Committee, in addition to that of the Physicians?

I think them all men of sense and judgment, and believe them to be men of integrity.

Doctor THOMAS GISBORNE called in, and examined.

Whether, in his opinion, the state of his Majesty's health does, or does not, continue to be such as to render his Majesty incapable, either of coming to Parliament, or of attending to public business?

I think him incapable of coming to Parliament, or of attending to public business.

When did you see or hear of the order, that no person should be admitted into his Majesty's apartments without the leave of Dr. Willis or his son?

I forget; I believe about a week ago,

Do you know, or have you ever heard, that any improper persons have been admitted into his Majesty's apartment, to make that order necessary?

No; I know of no improper persons.

By what authority do you understand that order to have been issued?

I was told it was put up at Dr. Willis's desire.

Whether you ever learned what authority Dr. Willis had for putting up that order?

I think I heard him say he thought too many people went in to the King, and that the Chancellor advised him to do that, or something else, to prevent it.

Had too many, or any improper people been admitted, to your knowledge?

Not to my knowledge;—I was not constantly there, therefore cannot tell.

Were not three persons of Dr. Willis's own family, himself included, of the number of those who went in to the King?

Yes.

Is there not one of that family who is no medical assistant?

One of them is a Clergyman, and, I believe, does not call himself a Physician.

Did Dr. Gisborne understand, by that order, that the Physicians themselves were not to be permitted to see the King, without Dr. Willis's or his son's permission?

The words of the paper are, that no persons, except the pages, shall be permitted.

Then you did understand it to extend to the Physicians?

Yes.

Does Dr. Gisborne, when he goes to Kew, make enquiry of all or any of the four medical attendants, who are in constant waiting on his Majesty, to assist himself by their information in forming his opinion on the King's state?

Yes, I do.

Does Dr. Gisborne conceive, that he should be deprived of the means of material information, if all those Gentlemen were excluded from access to his Majesty's apartment ?

Yes.

Whether, in Dr. Gisborne's opinion, the four medical assistants, who are in constant attendance on his Majesty, are not competent to give information worthy the attention of this Committee, in addition to that of the Physicians ?

Yes, surely.

The Rev. Doctor FRANCIS WILLIS again called in, and examined.

Dr. Willis having said, in his examination before the Committee, that he kept a house for twenty-eight years for the reception of persons afflicted with this disorder ; whether he can give to the Committee an account of the gross number of persons entertained in his house, from his first admitting such patients to the present time ?

I can give no account.

If you can give no account at present, have you no means, by consulting your papers, of giving that information to the Committee ?

Not any—I have not kept any account at all.

Can you inform the Committee what number of persons have been dismissed from your house as radically cured, from the beginning of your undertaking this business ?

I can give no account ; nor have I been confined to one house or ten houses, because I put the patients to such places as suited their pecuniary circumstances.

Having said, that this business was not confined to one, but to many houses, whether you can give any account, upon the whole, of the number of persons radically cured ?

Not at all.

Doctor RICHARD WARREN again called in, and examined.

Whether Dr. Warren has observed any difference in his Majesty, at such times as he has seen and conversed with his Majesty in the presence of Dr. Willis or his son, and at such times, when neither of those Gentlemen were present ?

A very great difference ; when Dr. Willis or his son are present, his Majesty is under great awe ; when they are absent, he talks and acts very differently.

Since the order alluded to, has Dr. Warren seen his Majesty, except in the presence of one of the Dr. Willis's ?

Yesterday I desired Dr. John Willis to retire, while I was with his Majesty, that I might observe the difference of his behaviour, and report it to the Committee, if required—Dr. Willis retired accordingly, and his Majesty immediately held a language very different from that which he used while Dr. Willis was present.

Was any other person in the room besides Dr. Warren, when Dr. Willis retired ?

Two of the pages.

Whether,

Whether, notwithstanding the order alluded to, Dr. Warren still continues to think himself fully authorized to visit his Majesty as often as he shall judge necessary, without either of the Dr. Willis's being present?

I have made it a rule, ever since Dr. Willis came, not to go in without asking the Doctor, or his son, whether it was a proper time; but I should go in, notwithstanding that order, if I thought there was a necessity for it.

Whether Dr. Warren has ever been present with his Majesty, when he has entertained himself with reading?

Yes.

Has it been for any considerable space of time, and upon a subject which would require much thinking?

I have never seen him read more than a line and a half at a time.

Has that been lately?

The third time from hence that I was there—on Sunday last, I think.

Whether Dr. Warren thinks that the King's malady is less at those times of reading than at any other times?

His manner of reading, when I have been present, is a strong proof of the existence of his malady.

Whether any fever has come upon his Majesty since the commencement of his malady?

Yes.

Has the disorder abated, in any remarkable manner, in consequence of that fever?

No.

Has not his Majesty had frequent and refreshing sleep from time to time?

Yes.

Has not that been known to be of sovereign use in the cure of this malady?

A person sick in this manner is not likely to get well without sleep; but he may frequently have refreshing sleep without advancing in his cure.

How has it been in this case?

Sleep has produced no advancement towards the cure.

Has any rational mode of controul and coercion been omitted?

Not that I know of, since his Majesty came to Kew.

Whether any progress towards a cure has been observed in consequence of this controul?

No.

Whether Dr. Warren, in the difference of opinion which he had with Dr. Willis on Friday the 2d instant, told Dr. Willis that he should think no person better, till they were perfectly well, under such an indisposition?

No.

Doctor WARREN again called in, and examined.

Have you seen the King to-day?

Yes,

In

In what state did you find his Majesty this morning, and what account had you of the antecedent day?

I found his Majesty in a very irritated state this morning, and was informed, that he has had, in the whole, but five hours sleep in the three last nights—that having had no sleep at all, or very little, the night before last, it was proposed to give him something last night to compose and quiet him—such a medicine was written down, but was not given him.—It was proposed yesterday to carry his Majesty out to take the air—I was not informed that this was mentioned in the consultation in the morning, but I was informed by Dr. John Willis, that his Majesty's pulse was yesterday 120 in a minute—I was likewise informed, that he had lain all night under coercion, and had sweated a great deal. Some prudent person advised his Majesty should not be carried out to take the air.—I have reason to think that the pulse became quieter in the course of the day.—I found it this morning between 106 and 108 in a minute, and observed marks of fever on his Majesty's tongue. Dr. John Willis told me, that he had promised to carry his Majesty out to-day, and desired me to consider, whether the not complying with his expectations might not irritate him a great deal.—I was sorry that he had had such a promise; I was necessitated to take the least of two evils, and advised that his Majesty should not be carried out, the thermometer being 17, as I am informed, below the freezing point; and particularly, as Dr. Willis has always observed, that keeping the pores open always does his Majesty great good. His Majesty this morning suffered me to come from him with great difficulty, and could not easily be prevailed upon by me to let go my hand.

When did you see his Majesty before?

The day before yesterday—on Saturday morning.

In what state was he then?

His Majesty had some fever then—pulse between 80 and 90, I believe, but was very irritable, could not be kept to the same object for any space of time—tried to play at cards with me, but could not, and shewed many strong marks of his distemper.

Whether the presence of any object, which tends to excite strong emotions in his Majesty's mind, is favourable, or otherwise, to his recovery.

Unfavourable.

Has there, in fact, been any introduction of persons, to your knowledge, which had a tendency to excite such emotions, and to produce such irritations?

Yes.—I should like to give an account of the first consultation we had with Dr. Willis.—The day that I introduced Dr. Willis to the King, I summoned the rest of his Majesty's Physicians to a consultation at my house.—It was there first settled as a principle, that quiet of body and mind were to be endeavoured to be obtained by every means possible; and that every thing should be carefully kept from his Majesty that might tend to prevent this desirable acquisition.—It was settled that a regular coercion should be made use of—that every thing should be kept from his Majesty that was likely to excite any emotion—that though his Majesty had not shewn any signs of an intention to injure himself, yet that it was absolutely necessary, considering the sudden impulses to which his distemper subjects people, to put every thing out of the

the way that could do any mischief.—To all this Dr. Willis assented—yet the very next day he put a razor into his Majesty's hand, and a penknife.—When I saw the Doctor next, I asked him how he could venture to do such a thing—he said, he shuddered at what he had done.—As he made use of this expression, I did not think it necessary to say much to him upon the subject.—On the 12th of December, as I apprehend, the King took a walk in the garden, and some of the Royal Children were shewn to him—this produced a considerable emotion, which was accompanied with acts demonstrating that emotion, as I was informed, to the best of my memory, by Mr. Keate.—Notwithstanding this effect of seeing the Children, Dr. Willis, the next day, introduced that Person, whose great and amiable qualities we all know must necessarily make her the dearest and tenderest object of his Majesty's thoughts.—The interview was short: his Majesty was soon afterwards in a great state of irritation, and the strict coercion was, I believe, for the first time actually applied that night—the blisters were put on that night likewise. The next time that I saw Dr. Willis, I spoke to him upon this subject with some degree of sharpness, because it was contrary to my opinion, and contrary to what had been settled in consultation; for it had been settled, that whatever could be done by deliberation, should be referred to consultation; that the conduct of his Majesty, in the interior room, should be left to Dr. Willis's discretion, because it did not admit of deliberation.—I do not know that he convinced the Doctor that his opinion was wrong, but that the act was contrary to what was laid down in consultation could not be denied.—I was always considered, by the highest authority, as the first Physician, and therefore thought myself particularly responsible: I thought myself obliged to look into, and to enquire after every thing that related to his Majesty: I did not suppose myself in a different situation upon the arrival of Dr. Willis, and therefore took the liberty of speaking to him with some degree of authority.—I remember, when his three attendants arrived, I sent for them into the Physicians room, examined them very carefully, particularly as to the temper with which they conducted themselves towards those whom they attended, and spoke to them, as they were strangers to me, in such a manner as to let them know that their conduct would be strictly observed.—My being first Physician made me talk to Dr. Willis about every thing that I heard of, that did not appear to me to be quite accurate, and sometimes led to disputes.—I informed the Doctor, that he was there in a double capacity, as Physician, and attendant on his Majesty in the interior room—that I must take my share in directing whatever related to him in the capacity of Physician, though I should not interfere with respect to the conduct of his Majesty in the interior room.—Not many days after this transaction I observed a book in his Majesty's hands, which affected me much, and immediately determined me to bring a charge against Dr. Willis, for what I thought bad practice.—I do not mean to bring the story of this book as a fault, because I believe there was no intention to convey such a book to his Majesty: It was the play of King Lear, not in a volume of Shakespeare, but it was a corrected Lear, by Colman, and mixed with his plays. I can have no reason to think, that Dr. Willis could suspect that such a play was in that volume.—His Majesty told me that Dr. Willis brought him the book, and Dr. Willis did
not

not deny it, when I spoke to him on the subject.—I do not bring this as a fault, but it was the circumstance that determined me to put in execution what I had been thinking of before, with respect to Dr. Willis; for his Majesty's observation on the book affected me strangely. I carried an account of this to the Prince of Wales, and he desired me, as he had done in every case of difficulty that had happened, from the beginning of the illness, to lay the affair before the Lord Chancellor. The Lord Chancellor went to Kew, I believe; and the result was, when I saw the Lord Chancellor, that the rules of the consultation should be strictly obeyed. Dr. Willis has, a second time, introduced the same great and amiable person. I was informed, that some degree of irritation came on in the night; but having collected, as I thought, from several small circumstances, that the power of introducing persons to his Majesty was to be left entirely to Dr. Willis, I did not make any complaint about it.

Can you ascertain the time of the last interview?

I cannot.

What time of day was the first interview?

I apprehend the first interview was in the evening—and that the interview happened, not only without consulting his Majesty's Physicians collectively, but that Dr. Gisborne, who was in the house that evening, and sitting in the anti-chamber when the introduction took place, was not consulted upon the occasion.

Had you any particular account of that interview, or of the effect which it produced at the time?

If I mistake not, Dr. Willis informed me it lasted about five minutes—that, during that five minutes, every thing passed agreeably, but that something was then said, that induced Dr. Willis to put an end to the visit.

Had you any account of the circumstances or motives which led to that interview?

I had no account previous to the interview.—Afterwards, in talking upon the subject with Dr. Willis, he mentioned his motives, or reasons, for thinking the interview would be of service; which I could not agree to.

THE conduct of the Parliament of Ireland being so directly opposite to that of this kingdom, it is thought necessary to mention, that, after a warm debate, a Motion was carried in both Houses of Parliament, and in the lower one by a very great majority, to address the Prince of Wales to take upon him the Regency without any Restrictions. The address was transmitted to the Lord Lieutenant.

F E B R U A R Y 19.

THIS day both Houses of Parliament having waited on his Excellency the Lord Lieutenant, with their Address to the Prince of Wales, desiring his Royal Highness to take upon himself the government of this realm, during his Majesty's present indisposition; and having requested his Excellency to transmit the same into Great Britain, his Excellency was pleased to return the following answer:

“ My Lords and Gentlemen,

“ Under the impression which I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline transmitting this Address into Great Britain.

“ For I cannot consider myself warranted to lay before the Prince of Wales an Address, purporting to invest his Royal Highness with powers to take upon him the government of this realm before he shall be enabled by law so to do.”

In the HOUSE OF LORDS on the 20th.

The *Duke of Leinster* moved, “ That as his Excellency the Lord Lieutenant had declined transmitting the Address of both Houses of Parliament to his Royal Highness the Prince of Wales, Commissioners be appointed from this House to carry the said Address to his Royal Highness.”

This Motion was carried by a majority of 19; and the Duke of Leinster and Lord Charlemont were appointed.

In the HOUSE OF COMMONS on the same Day.

A message was sent to the Lords with a Resolution of a similar nature, and requesting them to appoint Members of their own body to accompany the Commons in presenting the Address to his Royal Highness. An answer was returned by two Masters in Chancery, “ That the Lords had agreed with the Commons in their Resolution, and had named his Grace the Duke of Leinster and Lord Charlemont from their House, as Commissioners to wait upon his Royal Highness. The Commons then named

Right Hon. J. O'Neil,
Right Hon. Thomas Conolly,
Right Hon. Wm. Brab. Ponsonby, and
Mr. James Stuart, of Killymoon.

Mr.

Mr. Grattan then said, that since the Lord Lieutenant had refused to transmit the Address of the two Houses, it became necessary for them to vindicate their conduct and assert their rights; he therefore moved a Resolution to the following effect—"That the two Houses of Parliament having addressed his Royal Highness the Prince of Wales, to take upon himself the government of this realm, on behalf and in the name of his Majesty, during his Majesty's indisposition, had exercised an undoubted right, and discharged an indispensable duty, to which, in the present emergency, they alone were competent."

This Motion brought on a long debate. On the Question being put, there appeared for the Motion,

Ayes	—	130
Noes	—	71
Majority for the Motion		59

Mr. Grattan, after congratulating the House on the spirit with which they maintained their dignity, said, it was now necessary to take notice of the Lord Lieutenant, by passing a censure on the manner in which he had answered the House. He therefore moved, "That his Excellency the Lord Lieutenant's answer to the message of both Houses of Parliament, requesting him to transmit into England their Address to the Prince of Wales, was ill-advised, contains an unwarrantable and unconstitutional censure on both Houses; and attempts to question the undoubted privileges of the Lords Spiritual and Temporal, and of the Commons of Ireland."

This was opposed, and the *Attorney General* moved an amendment as follows: "Although this House cannot feel the impression of official duty, nor the obligation of the oath under which his Excellency was obliged to act, and although this House is not informed, that his Royal Highness is yet invested with the Regency of England."

The Question being put on the Amendment, there appeared,

Ayes for it	—	78
Noes	—	119

Mr. T. Burgh then moved a further Amendment to follow the word Ireland, "To appoint a Regent of Ireland without law, and before he was appointed Regent of England."

The Amendment was negatived without a division.

The main Question was then put and carried,

Ayes	—	115
Noes	—	83
Majority for the vote of censure		32

THE following is the Address, as presented to his Royal Highness by the before-mentioned Lords and Gentlemen.

I R E L A N D.

TO HIS ROYAL HIGHNESS GEORGE PRINCE OF WALES.

The humble Address of the Lords Spiritual and Temporal, and Knights, Citizens, and Burgeses, in Parliament assembled.

“ May it please your Royal Highness,

“ We, his Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal, and the Commons of Ireland in Parliament assembled, beg leave to approach your Royal Highness, with hearts full of the most loyal and affectionate attachment to the person and government of your Royal Father, to express the deepest and most grateful sense of the numerous blessings which we have enjoyed under that illustrious House, whose accession to the throne of these realms, has established civil and constitutional liberties upon a basis which, we trust, will never be shaken ; and at the same time to condole with your Royal Highness upon the grievous malady with which it has pleased Heaven to afflict the best of Sovereigns.

“ We have, however, the consolation of reflecting, that this severe calamity hath not been visited upon us, until the virtues of your Royal Highness have been so matured as to enable your Royal Highness to discharge the duties of an important trust, for the performance whereof, the eyes of all his Majesty’s subjects of both kingdoms are directed to your Royal Highness.

“ We therefore beg leave humbly to request, that your Royal Highness will be pleased to take upon you the government of this realm, during the continuance of his Majesty’s present indisposition, and no longer ; and under the style and title of Prince Regent of Ireland, in the name and on the behalf of his Majesty, to exercise and administer, according to the laws and constitution of this kingdom, all regal powers, jurisdictions, and prerogatives, to the Crown and Government thereof belonging.”

ANSWER of the PRINCE of WALES to the IRISH COMMISSIONERS.

“ My Lords and Gentlemen,

“ The Address from the Lords Spiritual and Temporal, and Commons of Ireland, which you have presented to me, demands my warmest and earliest thanks. If any thing could add to the esteem and affection I have for the people of Ireland, it would be the loyal and affectionate attachment to the person and government of the King, my father, manifested in the Address of the two Houses.

“ What they have done, and their manner of doing it, is a new proof of their undiminished duty to his Majesty, of their uniform attachment

tachment to the House of Brunswick, and their constant attention to maintain inviolate the concord and connection between the kingdoms of Great Britain and Ireland, so indispensibly necessary to the prosperity, the happiness, and the liberties of both.

“ If in conveying my grateful sentiments on their conduct, in relation to the King, my father, and to the inseparable interest of the two kingdoms, I find it impossible to express adequately my feelings on what relates to myself, I trust you will not be the less disposed to believe, that I have an understanding to comprehend the value of what they have done, an heart that must remember, and principles that will not suffer me to abuse their confidence.

“ But the fortunate change which has taken place in the circumstance which gave occasion to the Address agreed to by the Lords and Commons of Ireland, induces me to delay, for a few days, giving a final answer, trusting, that the joyful event of his Majesty's resuming the personal exercise of his Royal Authority, may then render it only necessary for me to repeat those sentiments of gratitude and affection to the loyal and generous people of Ireland, which I feel indelibly imprinted on my heart.”

The Duke of Leinster read the Address and Resolutions of the Irish Parliament to the Prince of Wales in a very correct and animated manner. The Prince delivered his answer with much dignity and effect.

Take this side on
the cover.



NUMBER 229.]

SATURDAY, JANUARY 24, 1789.

DRURY-LANE.

AT the Theatre-Royal, in DRURY-LANE,
On MONDAY EVENING,
Will be performed, for the first time, a Comedy called
THE IMPOSTORS.

After which will be presented, the revived Pantomime of
ROBINSON CRUSOE;
Or, **HARLEQUIN FRIDAY.**
(First acted at Drury-Lane in 1781.)

This Evening, **KING HENRY VIII.** with **THE CRITIC.**

FOR THE BENEFIT OF
Mrs. BILLINGTON.

COVENT-GARDEN.

AT the Theatre-Royal, in Covent-Garden,
On MONDAY EVENING
INKLE AND YARICO.

[Written by COLMAN, Jun. and first acted at the Haymarket
in the year 1787.]

Inkle (with New Songs), — Mr. JOHNSTONE;
Sir Christopher Barry, — Mr. QUICK;
Campley, — Mr. DAVIES;
Medium, — Mr. WEWITZER;
Mate, — Mr. DARLEY;
And Trudge, — Mr. EDWIN.
Wowiki, — Mrs. MARTYR;
Narcissa, — Mrs. MOUNTAIN;
Patty, — Mrs. ROCK;
And Yarico, — Mrs. BILLINGTON.
Being her first appearance in that character.

Who will in the course of the First Act, (for that night only)
introduce the celebrated Song of "SWEET BIRD,"
From L'All'egro Il Penferoso, by Handel;
Accompanied on the Flute by Mr. W. PARKE:

With other additional Songs, by A. F. S. Saccini, Dr.
Arnold, &c.

End of Act II. a New NEGRO DANCE;
End of the Opera, a DIVERTISEMENT,
By Mr. BYRNE and Mrs. GOODWIN.

To which will be added, the Comic Opera of
MARIAN.

(Written by Mrs. BROOK.)
The Music by Mr. SHIELD.

THE PRINCIPAL CHARACTERS BY
Mr. JOHNSTONE, Mr. BANNISTER,
Mr. BLANCHARD, Mr. DARLEY,
Mr. FEARON, Mr. THOMPSON,
Mrs. KENNEDY, Mrs. MARTYR,
And Mrs. BILLINGTON.

Tickets and Places to be had of Mrs. BILLINGTON,
No. 53, Poland-street; and of Mr. BRANDON, at the
Theatre.

This Evening, **ROBIN HOOD**, with **ALADIN.**

To the Right Honourable and Worshipful the GO-
VERNORS of the Royal Hospitals of **BRIDE-
WELL** and **BETHLEM.**

My Lords and GENTLEMEN,

BY the Death of the late worthy Mr. CROW-
THER, the Office of SURGEON to the Royal Hos-
pitals of Bridewell and Bethlem has become vacant. Per-
mit me to request the Honour of your Support to succeed to
the above Appointment. It would be unbecoming and pre-
sumptuous in me in high sounding terms to speak of my own
professional Acquirements, but it may be proper to state that
I am a Member of the Corporation of Surgeons in London,
and Surgeon to the Eastern Dispensary, in which Office I
trust I have conducted myself to the Benefit of the Poor,
and the Satisfaction of the Governors.

If I should have the Honour to be elected, the utmost Dil-
igence the Governors can require, and the greatest Care Hu-
manity can dictate, shall be exerted by,

My Lords and GENTLEMEN,
Your very humble Servant,
WILLIAM TURNBULL.

Fenchurch-street, Jan. 21.

HENRIETTA-STREET, LONDON.

EDWARD ARCHER, TABBINET and
POPIN MERCEUR to Her MAJESTY, respectfully
acquaints the Nobility and Gentry, That his Warehouse is
extensively stored with Poplins and Tabbins of his late
improved Manufacture, in the greatest variety of fashionable
colours; also Black and Grey Malquered, Clouded,
and Sattin striped Poplins, for mourning; and all kinds of Black
Silks, Bombazines, and Mourning Stuffs.

IRISH LINEN CLOTH imported and sold by the single
Piece.

N.B. Each Article in ARCHER'S WAREHOUSE marked
with the lowest price, and sold only for Ready Money.

FANCY WAISTCOAT WAREHOUSE.

T. SIMPSON, MAN'S MERCER and TAY-
LOR, No. 5, SWEETING'S ALLEY, opposite the
East Door of the Royal Exchange, continues to conduct his
business in the same manner which has, since his com-
mencing trade, given such universal satisfaction to his friends
and employers. The very great increase of his business suf-
ficiently expresses the Public's opinion of his terms and
method of executing the favours with which he is honoured.
The following Specimen of his prices is humbly printed for
public attention:

A Coat of the best superfine broad Cloth, made in
the present fashion, and best materials 2 12 6
Ditto, of superfine elastic or Brunswick Stripe 2 4 0
Waistcoat and Breeches, very best Satin, twill'd
back 2 16 0
Breeches of ditto 1 14 0
Superfine Cashmere Breeches 1 1 0
Striped fashionable Cashmere Waistcoats, made
in the present fashion, with gilt or plated but-
tons 0 16 0

N.B. A very large assortment of Fancy Waistcoats, and
Fancies for Great Coats, Liveries, and every other article
in his line of business, at proportionable prices, for ready
money only.

This day was published, price 2s.

**AN INQUIRY INTO THE NATURE, CAUSES,
and TERMINATION OF NERVOUS FEVERS;**
together with Observations tending to illustrate the method
of restoring the system to health, and of preventing
relapses of the disease.

By **ROBERT JONES, M.D.**
And Member of the Royal Society of Antiquarians at
Edinburgh.

Salisbury; printed for, and sold by B. C. Collins; and S.

CITY DEBATES, CAPEL-COURT,
BARTHOLOMEW-LANE, opposite the BANK,
(Held every Monday Evening. Chair taken at 8 o'Clock.)
Admission Sixpence.

TO THE LADIES.

RECOMMENDATION TO A HUSBAND.

ON MONDAY EVENING next will be
debated the following Question:

"Which will most probably recommend a Lady to a Hu-
band—Beauty—Riches—or Understanding?"

This Question is the production of a Lady lately resident
at Bath, who is the author of several justly-celebrated Pub-
lications. At the request of such a character, no less dis-
tinguished for her virtue than her literary fame, the Man-
agers have prevailed with the Lady (from whose exertions
their Institution has derived much popularity—and the Pub-
lic a considerable portion of rational entertainment) to speak
on Monday next.

Every possible accommodation will be made for the
splendid circle of Ladies who are expected to accompany the
author of this Question.

Last evening, Eve was deemed to have been more culpable
than Adam, in eating the forbidden fruit.

THE KING'S HEALTH.

This Day was published,
BELL'S CHEAP EDITION ON COARSE PAPER,
Being the THIRD,

Price only ONE SHILLING.

Although printed complete and verbatim, from the STATE

COPY OF

THE LAST REPORT

OF THE

COMMITTEE OF THE HOUSE OF COMMONS,

RESPECTING

THE KING'S HEALTH.

Printed by J. BELL, at the British Library, Strand.
Some Copies are also handsomely printed of the same
work, on fine paper, price Half-a-Crown each; but it is
necessary to be particular in requiring BELL'S EDITION
of either sort, lest mutilated and spurious Editions, which
are in circulation, should be offered in their stead.

FOR THE TEETH AND GUMS.

THE ESSENCE OF PEARL, AND PEARL DENTIFRICE,

Prepared by

JACOB HEMET,

DENTIST TO HER MAJESTY AND HIS ROYAL

HIGHNESS THE PRINCE OF WALES.

Price 2s. 6d. each, stamps included.

THE great Esteem which this ESSENCE and

DENTIFRICE have acquired, and the extensive Sale

in consequence thereof, having induced some persons to coun-
terfeit the same, and several of the Nobility and Gentry having

complained that they had been imposed on thereby—Mr.

HEMET gives this public notice, that he has appointed only

Messrs. BAYLEY and LOWE, Perfumers, in Cockspur-
street, near the bottom of the Hay-market, to sell the same

wholesale and retail; and J. PIERCE, Perfumer, Leadenhall-
street, to sell the same retail; to which Places he entreats

those who use them to send for them, as he cannot be an-
swerable for the genuineness of what are sold elsewhere.—

He likewise begs to observe, that his name is written on
each stamp.

N.B. As some persons may not yet be acquainted with their
peculiar qualities, he begs leave to mention, that the genu-
ine Essence and Dentifrice are greatly superior, both in ele-
gance and efficacy, to any thing hitherto made use of; that

they will effectually preserve the teeth in a sound state even to
old age; will render them white and beautiful without the
least impairing the enamel, fatten such as are loose, keep
such as are already decayed from becoming worse, prevent
the tooth-ach, perfectly cure the scurvy in the gums, and
make them grow firm and close to the teeth. They like-
wise render the breath delicately sweet, and remedy all those
disorders that are the consequence of scorbutic gums and bad
teeth.

JOSEPH LANGMEAD

RESPECTFULLY informs the Public, that

he hath greatly improved the principle of Kitchen

Ranges, Ovens and Fire-grates, for which he hath obtained

HIS MAJESTY'S ROYAL LETTERS PATENT.

Great variety of the above Patent Kitchen Ranges, Ovens

and Fire-grates, with all sorts and sizes of Register Stoves

in polished steel, japan, or silver plated, elegantly ornament-
ed or plain; Stove-grates on his last improved principle,

finished in the most elegant style, and of the most curious
workmanship; Cast-iron Stoves of all sorts and sizes; and

Warming Stoves for Churches, Halls, Assembly-rooms,
Greenhouses, Landings, or any room or place that requires
to be kept warm and dry; a large assortment of the newest
Patterns of Tea and Coffee Urns, with every other article
in copper and strong tin requisite in kitchen use.

Any Lady or Gentleman going to furnish their houses,
or in want of any of the above articles, by applying at

LANGMEAD'S

STOVE-GRAVE and KITCHEN-FURNITURE WARE-
HOUSE, York-street, Covent-Garden; or at his Manufac-
tory, Goswell-street Road, will be supplied much cheaper,
and with better articles than at any Ironmonger's in London,
as he manufactures all the above articles himself.

N.B. Smith's and Iron-founders work in general.

Gentlemen or Ladies sending to either of the above places,
may have prints of the different stoves sent for their inspection.

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MANCHESTER.

Jan. 19, 1789.

IT having been repeatedly represented that the
following Address does not convey the sense of the re-
spectable Inhabitants of this Town and Neighbourhood; it
has been thought proper to publish a Copy of it, with a List
of the fulljoined signatures.

When the approvers of Mr. PITT's ministerial conduct,
in general, called on the Public to join them in the measure
of thanking him for his services, they addressed themselves
to the Gentlemen, Clergy, Merchants, Manufacturers, and
principal Inhabitants, of the Town and Neighbourhood; and
the sentiments of persons, of that description only, were
those which they wished to collect. For the Town's meet-
ing, which had been holden, having been described as con-
sisting of the most opulent Merchants and Traders, by a
Majority of which it had been said to have been dissolved; it
was therefore the aim of the friends to the Address to procure
respectability rather than numbers; sensible how easily Names
may be obtained by those who will condescend to solicit the
signatures of the Populace, and who value themselves upon
what they style the UNIVERSALITY of their Supporters.

Against this Address, a Protest has been signed by a great
number of individuals, among which are the names of fev-
eral Gentlemen who are justly entitled to respect. But
this being acknowledged, it is hoped that it will be allowed
on the other hand, that the Addressers have an equal right
and equal capability with their opponents of judging of the
wisdom, propriety, and necessity of any measure which may
be submitted to their deliberation. And Lists of the Ad-
dressers and of the Protesters being now before the Public, it is
left to the candour of every one acquainted with the inhabi-
tants of this town and its vicinity, to determine on which
side the Scale of Respectability preponderates.

MANCHESTER, 8th Jan. 1789.

To the Right Hon. WILLIAM PITT.

SIR,

PERSUADED that it is not only the privilege but the
duty of all good Citizens of this free country to express their
approbation of the conduct of Ministers of State, when such
conduct shall have appeared particularly meritorious and con-
ducive to the Public Good: We, the undersigned Inhabi-
tants of this town and neighbourhood, beg leave to offer you
this testimony of our gratitude; and to express our high ap-
probation of your ministerial and parliamentary conduct in
general, and of that ability and integrity with which you
have supported the Rights of Parliament and of the Constitu-
tion, and thereby essentially promoted the dearest interests
of that community to which we belong.

Permit us, at the same time to congratulate you on the
honourable support your constitutional measures have receiv-
ed from very respectable Majorities in both Houses of Par-
liament.

Thomas Johnson
John Parker Mofley
John Pease Mofley
John Pease Birch
William Hulton
James Maffey
T. Percival, M. D.
Sam. Clowes, jun.
Peter Drinkwater
Benj. Potter
James Barton
William Boardman
Henry Salvin
John Entwistle
James Harrison
George Barton
Henry Barton
William Whitaker
John Simpson
John Ridings
Thomas Bayley
Richard Hall
Thomas Henry
James Halliwell
John Alden
Grey de Wilton
Samuel Clowes
John Kearsley
James Brown
Edm. Bamberbec
Edward Place
William Hodson
Jeremiah Bow-
r
John Sedgwick
James Sedgwick
Thomas Scott, jun.
John Leigh Philips
John Lever
Samuel Jones
Thomas Bradock
William Hall
Gilbert Kennedy
Samuel Taylor
Thomas Taylor
Henry Leigh
Richard Edward Hall
Charles Lawson, M. A.
Jeremiah Withington
Thomas Foxley, M. A.
James Lynn
John Trafford
William Egerton
Robert Markland
Thomas Stott
Edward Kearsley
Nathan Crompton
Richard Tempest
Joseph Thackeray
James Bayley
William Fowler
John Hardman
James Bateman
Edward Hall
James Kearsley
William Rigby, jun.
John Poole
Richard Chambers
William Fox
James Bayley
Thomas Barnes, D. D.
William Houghton
J. Dixon
Richard Aheton, D. D.
William Rigby
Thomas Barrow
Peter Hallett
Thomas Tipping
Daniel Whitaker
Arnold Birch
Robinson Forsley
Char. F. Brandt
Robert Peel

James Broome
John Ford
Charles Hoghton
John Clowes, jun.
Thomas Ayncoough
Joseph Pickford
James Touchet
T. Mort. Froggatt
John Markland
William Barrow
John Bury
James Kay
Thomas Gorton
James Cockerill
Domville Poole
Richard Barlow
John Taylor
Richard Milnes
Thomas Liveley
Edward Chesfhyre
Charles Tempest
James Hodson
Joseph Harrop
James Appleton
James Ormiston
Thomas Sharp, junior
Robert Athworth
Edward Garritt
Joseph Earle
John Brocklehurst
William Jackson
John Bowk r
Robert Duck
James Hancock
James Fallows
Titus Hibbert
Otho Hulme
James Holgate
Richard Upton
Richard Daniel
James Cooke
John Owen
Thomas Lyon
John Croxley
William Nabb
Richard Higson
William Lowndes
James Butterworth
David Bradberry
Samuel Hibbert
Richard Yares
Samuel Ogden Birch
William Johnson Edenfor
William Brocklehurst
Edward Collier
Scholes Birch
James Lees
Richard Bateman
David Collinson
Robert Gorton
G. Smith
George Nabb
Richard Sandford, M. A.
Edward Taylor
Robert Holt
John Parker
Samuel Saire
John Darby, M. A.
Matthew Pemberton
Roger Sedgwick
John Barrow
Thomas Chesfhyre
Tho. Phillip
Thomas Whitfield
W. Brocklehurst
Thomas Quincey
J. Lowe, jun.
John Critie
Richard Mare
George Long
Ra'ph Fogg
Robert Yates

James Watfon

John Potter

Dugald Munn

James Darbyshire

Thomas Bateman

J. Armstrong

Daniel Lees

John Morris

John Mellor

John Travis

B. Thwaite

Roger Leigh

John Mills

John Barker, jun.

Samuel Gardner

Samuel Sidebottom

Thomas Hinton

William White

William Frodham

John Poole

W. Whittenbury

J. C. Lonsdale

John Thyer

Samuel Henshall

James Coope

Robert Heath

George Salvin

Lawrence Peel

John Haworth

Thomas Salter

J. Lawrence, jun.

D. Ralbotham

Joseph Taylor

Richard Smalley

John Broome

Tim. Whitlow

Thomas Touchet

John Reynolds

John Langdale

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per cent.

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ations, extends to all the Anomalies of the French
Language, and striking. So far there-
fore of Language which brings the whole before
Point of View, can be useful, the Table of Mr.
is added to Commendation and Applause.
See Eng. Rev. Sept. 1787.

THE STAR.

The subject of the REGENCY having been very amply
discussed in the House of Commons, and our reports
having been very full and satisfactory, we think it un-
necessary to trouble our Readers with caustic argu-
ments; consequently, as far as is consistent with perspi-
cacity, our account of the Lords is compressed into a
narrow compass.

PARLIAMENTARY INTELLIGENCE.

HOUSE OF LORDS.

Friday, Jan. 25.

The Lord Chancellor came down at four.—
Prayers by the Bishop of Lincoln.

COMPLAINT OF THE HIGH CONSTABLE.

Mr. QUARME appeared at the Bar, and in-
formed the House, that a person was apprehended
for driving a dray across Palace-yard during the
sittings. The High Constable, Mr. LESLIE,
was ordered to the Bar, when he informed the
House, that one William Williams, a drayman,
had refused to obey the orders, and had insulted
the Constable. Mr. LESLIE, and the two subor-
dinate Constables, Duffin and Brookes, were
sworn to the fact. The culprit was brought to
the bar, and said in his defence, that it was not
he, but another man, that was the offender.

The LORD CHANCELLOR left the Woolfack,
and observed, that in order to form obedience to
the rules of the House, the officers must be pro-
tected, who were to put them into execution. He
then moved, "That Williams be committed to
Bridewell." Ordered.

RESUMED COMMITTEE ON THE STATE OF THE NATION.

Lord WALSHINGHAM was called to the Chair,
and the Clerk read the Third Resolution, which
restrained the Regent from granting Pensions,
Reversions, &c.

Lord STORMONT rose, and said, that as the
spirit of this Resolution was similar to that which
had been agreed to on the preceding evening, he
therefore should not detain their Lordships in the
discussion of it; but should immediately move an
amendment similar to that offered in the Resolu-
tion of yesterday, by adding the words, "for a
limited time."

Lord CATHCART having apologized for at-
tempting to deliver his sentiments on a subject
which had been already so fully discussed, assured
their Lordships, that it was not his intent to tres-
pass long on their patience. Having proceeded
for some time in this strain, his Lordship observed,
that a Right Reverend Prelate (Dr. Watson,) on
the preceding evening had made an observa-
tion on two, which struck him at the time, and
which he would have spoken to, were it not that
he did not wish to interrupt the speeches of able
men than himself—that Right Reverend Prelate,
in speaking of the component parts of that House,
had said, that he did not suspect that the Scottish
Peers would be influenced by any other motive
than the good of the country, in giving their
vote.—As his Lordship conceived that this was a
kind of imputation on that body, he thought him-
self called upon as one of that class to defend his
independence, which he did in a speech of some
length;—his Lordship then thought the restric-
tions in question were necessary, calculated on the
ground of prudence, and warranted by the wis-
dom of our ancestors.—To prove this, his Lord-
ship entered into a long history of the Constitution
—the nature and excellency of a limited monarchy
—the inconveniences we were obliged to submit
to, particularly in the case of minor Sovereigns, in
order to obtain permanent conveniences. His
Lordship having dwelt on those points for a con-
siderable time, adverted to the Prerogatives of the
Sovereign—the Sovereign, he was ready to ac-
knowledge, was the fountain of office, of honour,
and of privilege, but as those prerogatives were
in some measure inherent in the person of the
King, he thought they ought not, in every de-
gree, to be delegated.—His Lordship took a great
deal of pains to shew that the powers with which
the Prince was to be invested, were entirely suffi-
cient to carry on the political business of Govern-
ment, and that the idea was entirely groundless,
that any clog could arise under the restrictions,
provided Ministers did their duty. His Lordship
had heard it rumoured abroad, that newspapers
had been purchased in order to diffuse the popu-
larity of the Minister, but in his opinion this was
but an indifferent medium of diffusing—the popu-
larity of the mob ought not to be courted.—That
popularity only could be derived from a set of
men, who would look to the funds of this country
as the standard of their political approbation, and
not to the idle fabrication of a newspaper.

Lord RAWDON followed next; as soon as his
Lordship rose, the deepest attention pervaded
every part of the House. His Lordship observed,
that notwithstanding the subject in question was
of the utmost importance, it was not his intention
to dwell on it for any time, because he was sen-
sible that every man in that House had devoted a
considerable portion of their attention to it.
Much had been said on the Constitution and the
Question of Right—he only wished that in the
discussion of this question, the Constitution only
had been attended to abstractedly, but it did seem
as if other matters had been interwoven with that
question, which pressed no doubt upon the grate-
ful recollection of that House with respect to his
Majesty. A Noble Lord (Lord Camden) had
asserted, with much propriety, in allusion to the
Prince of Wales, that the law knew no respect of
persons; in this he was perfectly right, and it
was his wish that the regal function and the per-
son of the King, which must weigh our affections
as often as it was mentioned, had been kept
asunder; our reason in that instance would have

operated in the fullest extent. We were about at
that instant to provide for the defect of the Crown,
a defect which should not exist for a moment, else
why the maxim that the King never dies? In a
natural state, Kings must submit to the shafts of
fate as well as other men, but our wife ancestors
left this maxim in record as a constant memento,
that the political machine should not even for a
moment stand still. This political machine still
existed, it stood in need of no repair, it wanted
only to be put in motion. His Lordship then
took a short view of the prerogatives of the Crown.
Whence did those prerogatives originate, in power
or deliberation? in the latter surely, and expe-
rience evinced it. If at the formation of the
Constitution they were deemed necessary, and if
through a length of years they were found neces-
sary, why, on the present occasion, suspend them?
Is there less use for them now than at any other
time? Was not the Constitution practical, or were
there only attributes annexed to it, to exercise
ingenuity, and furnish speculation with argu-
ment? If at this time it was deemed that some
of those prerogatives were useless, in the name
of Heaven let that question be examined, and
let them be torn up by the roots for ever! but
if necessary in a King, why not in a Regent,
from whom all the exertions of a King were to
be expected? but it was easy to see, though
not conveyed in words, that those resolutions
turned on a suspicion of the Prince. Much had
been said with regard to the feelings on one side,
and the respect that ought to be paid to those feel-
ings, in which for one he was ready to join as
far as consistency pointed; but were there no re-
gard to be paid to feelings on another? Had the
Prince no feelings?—Power was said, and rightly
said, to be fascinating; but if it was fascinating
with respect to his Royal Highness, why not with
respect to another Great Personage? As to the in-
fluence which might be said to flow from the Lords
of the Bedchamber, he was ready to acknowledge,
that it ought not to be held out in *terror*—be-
cause he was perfectly convinced, that it would have
no effect in influencing the vote of any one of those
Noble Lords in that House. But again he would
say, that a question might be so represented to them,
and coloured in such an artful manner, as to im-
pose on that affection which they held to their
Sovereign. And, in order to lessen the magni-
tude of the Household, it had been conveyed,
that it consisted only of menial servants; but
it was known, that men of the first rank filled
those offices, because it was necessary they should,
in order to raise the dignity of the Sovereign
in the eyes of the public; and that it was an
insult to apply the word Menial to such a body of
men. Another idea had been thrown out, that
those restrictions were necessary, in order that the
Sovereign, on the recovery of his health, might
not meet with any obstructions in the re-assump-
tion of his power; but could this idea be enter-
tained for a moment? what was the conduct of
the Prince of Wales, to warrant this opinion?—
His filial affection, his solicitation for the situa-
tion of his Father, evinced on every occasion since
he was seized with the unhappy malady, certainly
gave a direct contradiction to that ungenerous
idea; but even to suppose that such a thing
should be attempted, how could it be effected?
would it be a vote of that House that would pre-
vent it? No! the public would make it their
own case—it would revert to them, to the pub-
lic, who had prescribed laws to that House; and
through the medium of which they had prescribed
laws to the Crown. A Monarch that had
reigned over them for twenty-nine years, who
lived in their affections, would not be disappoint-
ed on that occasion in his appeal to the nation—
and what Minister dared to be so profligate, or
what House of Parliament so corrupt, as to join
in a measure, of all others the most unlikely, and of
all others the most monstrous? His Lordship said,
that the last resolution ought to be divided into two
distinct questions—but he would reserve himself for
that division, until it came before the Committee.

The Marquis of CARMARTHEN, in a speech
of some length, delivered very genteely, justified
the several Resolutions, upon the principle of
political necessity. He traversed over much the
same ground which has been so repeatedly be-
fore the Public, and which is not necessary to
repeat.

The Marquis TOWNSHEND claimed their
Lordships' attention, as he had not yet troubled
them upon the subject. He objected in *toto* to the
Resolutions, which tended to restrain the Re-
gal Power, he placed in what hands it might,
He, as a soldier, too well knew his duty to
endeavour to curtail the power of his Com-
mander. It was dangerous; and although he
could not boast of a vast profundity of political
knowledge, yet he could not help believing that
the same danger resulted from limiting the Regal
Power, in whatever person's hands it might be
necessary to place it.—With respect to the
Resolution for placing the Government of the
Household in the hands of the Queen, under
the influence of a Council, (for influence he
must needs deem it); he should be glad to be
informed under what head the civil and milita-
ry power could be placed, which is daily sta-
tioned at St. James's. This Palace would no
longer be the Royal residence. Was the guard
to be still stationed there, and give the officers
and poor soldiers unnecessary trouble, when they
could not receive the comfortable reflection that
they were attending their Sovereign? If that
were not to be the case, was the guard to be turned
over to the Regent? That could not be, as he
understood that the Prince had declared he de-
spised all pageantry, and would have no addi-
tional guard whatever. The Prince was not con-
scious of any danger; and he had too much pa-
ternal affection and filial piety, to ride in state,
whilst his Royal Parent lay racked upon the sad
bed of sickness. [A great cry of *hear! hear!*]
He therefore hoped, that the influence of the mi-
litary was not to be placed in the hands of the
new controuling Council; but that all that idle,
troublesome, and expensive parade of the mili-
tary, and the establishment of the civil power at

St. James's, and other Palaces, might be dis-
pensed with, and the savings applied to the ease
of the nation, during the illness of his Majesty.
He would readily acknowledge, that the present
Administration had made some useful reforms;
and he could wish, that, before they finished their
career, they would attend to his observations.

His Lordship sitting down, Lord KINNAIRD
and the Duke of CHANDOS both rose together:
The former nobleman seemed to have the prefer-
ence of the Chairman, Lord Walsingham; but
their Lordships growing vociferous in calling for
one or other of the two noble competitors for a
hearing,

Lord DERBY rose to speak to

ORDER.

His Lordship observed, that more used, as he
was, to the rules and orders of the other House,
he was not certain but the right of priority of
speech, among their Lordships, depended not
upon their Chairman, but the majority of their
Lordships. But as it was both convenient and
customary to allow their Chairman to decide in fa-
vour of that Peer who first caught his eye, he did
not see the necessity of departing from it now.
For his part, he had called upon Lord Kin-
naird, as conceiving that his Lordship had first
attracted their Chairman's attention; but if a part
of their Lordships were willing to carry that, like
other proceedings, with the knock-me-down ar-
gument of a majority, he flattered himself he had
as good a constitution as any of them, and he was
ready to dispute every inch of ground with that
weapon.

Lord SANDWICH declared, that the right of
deciding the preference of speaking clearly lay in
the majority of their Lordships, and not in their
Chairman. And his recollection served him with
a precedent in the case of Lords Halifax and Lov-
el, who both rising together, the House, by
vote, gave the preference to Lord Lovel. His
Lordship, however, when he came to speak, had
nothing to say.

Lord WALSHINGHAM (the Chairman of the
Committee) declared that Lord Kinnaird cer-
tainly first caught his eye, but that conceiving
that the Duke of Chandos rose to reply to some-
what that had fallen in the course of the debate,
he was willing to afford his Lordship the oppor-
tunity.

Lord KINNAIRD then waved his privilege of
priority, and made way for

The Duke of CHANDOS, who then rose, and de-
clared with much warmth, he never was biased
by any Administration, not even by the illustri-
ous Father of the present Minister (Earl Chat-
ham); that although he held an appointment in
the Household, and was endeared to every branch
of the Royal Family, yet he never deviated from
discharging his duty in Parliament according to
his conscience. Speaking for himself, he deemed
the reflection upon Lords who enjoyed situations
in the Royal Household, to be highly injurious.—
He looked upon the restrictions to be highly ne-
cessary and consistent with the powers that ought
to be granted to a Regent, during the natural
life of the King.—One observation he must make.

—He had heard the immortal Chatham declare
in that House, "that General Wolfe was a *heaven-
born General*;" so he would make use of the
same great Minister's words, and declare, that
the "Present Minister, was a *heaven-born Mini-
ster*."

After a few observations from Lord Kinnaird,
and a word or two from Earl Camden, the Chair-
man put the question upon the Third Resolution,
which was carried without a division.

The Fourth Resolution, which restrains the Re-
gent from any controul over the estates belong-
ing to the Crown, was next read.

KING'S ESTATES.

Lord LOUGHBOROUGH desired to know the
extent to which it went. Did it go to restrain the
personage who really performed the high office of
a King, from enjoying certain *droits*, which were
constitutionally from time immemorial annexed to
that authority, such as the rights of the Admiralty
Escheats, &c.? Did it extend further to annex
those rights to an inactive, or in other words, a
dormant Crown? Or was it meant only to pre-
serve the real estates entailed upon the civil per-
son of the King from the danger of what the Law
terms *spoliation*? If suspicion is to hang upon the
office of a Regent, (for he hoped none would suspect
the Royal Person who is destined to fill it) then
let the extent of this suspicion be fully under-
stood.

Lord KENTON rose to answer this doubt; he
stated that those *droits*, such as *finer*, escheats
either from the Admiralty, from forfeited estates,
or from lapsed leases of Crown lands, &c. &c.
were rights inseparable from the natural person
of the King, and could not be divested from him
during his natural life. His Lordship quoted
several cases to that effect.

Lord LOUGHBOROUGH replied, that all
these branches of the Royal Revenue had been
estimated, and included in the Civil List, by the
5th of Anne and the rest of the present reign;
and therefore if the Civil List was not included
in the Resolution, then the words of it were
needless.

A long conversation then took place, between
the Lord Chancellor and Lord LOUGHBOROUGH,
respecting the settlement of the Civil
List, and what branches of the ancient revenue of
the Kingdom it included.—At last,

Lord LOUGHBOROUGH did not wish to con-
tend any further; but observed, that the extreme
caution which appeared in that Resolution, was one
striking feature of all the Resolutions. Doubt-
fulness in the extreme, was little less than a foul
suspicion of intended guilt. Nothing could be
less liable to suspicion than the dictates of Holy
Writ: but how would it sound in the ears of any
honest man, to be told, "Thou shalt not steal."
He perfectly recollected a case, where an action
was brought against the defendant, for having
spoken those words in public company; and upon

the issue, a verdict was given in the manner they were spoken—they conveyed a suspicion of guilt. His Lordship, with infinite wit, compared this case with the suspicion attempted to be fixed upon the Regent.

An altercation took place between the three Law Lords, when the fourth question was put and carried, without a division.

HIS MAJESTY'S HOUSEHOLD, and CARE of the KING'S PERSON.

The last restriction was then read, empowering her Majesty to take charge of the King's person—conferring on her Majesty the direction and patronage of the entire Household of his Majesty—and determining that a Council be appointed to assist her Majesty with their advice, and with powers to examine the State Physicians touching the state of his Majesty's health. Upon this resolution,

Lord RAWDON begged their Lordships to observe, that it contained three distinct Propositions, to all of which combined their Lordships' assent was required. Now as some of their Lordships might be disposed to grant that assent in part, and to withhold in part, it was his Lordship's intention to propose, that the Resolution be divided into three separate Resolutions.

On the possibility of doing this, according to the forms of the House some time was spent.—Lord BATHURST and the Lord CHANCELLOR contending against the possibility, and Lord LOUGHBOROUGH for it; at length Lord RAWDON, expressing his wish to reduce his motion to that form which should best meet the wishes of their Lordships, by moving to leave out that part of the Resolution, conferring the patronage of the Household on the Queen.

The Lord CHANCELLOR appealed to the feelings of their Lordships, and submitted, whether such an act would not be adding insult to the misfortune of his Majesty, and whether they had not better send him at once to one of those receptacles for those labouring under his malady.

Lord Viscount STORMONT, in reply to the Lord Chancellor said, the noble and learned Lord must himself have felt the weakness of his cause, when he abandoned the path of argument, and directed his eloquence and appeal to the feelings of his auditors, by reminding them, that many of them had tasted of the liberality of the King, and had been fed by his bounty; and that, consequently, they were bound by gratitude, to rescue him from the wretched, deplorable, and destitute situation to which His Majesty must be reduced, if the proposed amendment should be carried. His Lordship observed, that almost the whole of his public life had been employed in the service of the King, and in places of great trust and distinction; and therefore he had not only been fed by His Majesty, but had tasted of his bounty in a much greater degree than most of his other subjects, who, though distinguished by the favour of the Sovereign, had spent less of their lives in his service. If it was incumbent upon all who had experienced the Royal bounty, to shew a grateful remembrance of it, it was still more so upon him, to whose lot a greater share of ennoblement had fallen; it would therefore be base ingratitude in him to desert to good and so liberal a master in the moment of calamity. But he denied that to support the Amendment proposed by his Noble Friend, was a dereliction of that duty which was due by every faithful subject to the best of Sovereigns. He knew not upon what grounds the Noble and learned Lord had ventured to argue that it was; and the bare insinuation of such an idea he could not ascribe to any good purpose or intention. That he might not follow the example of the learned Lord, he would not speak to the passions of their Lordships, but to their reason. As nothing, he said, could be more advantageous or beneficial to a people, than a strong Government, so nothing could be more pernicious, or more to be dreaded than a weak one. Now nothing could so effectually render it weak, as to sever from it the patronage and influence by which it might acquire and preserve strength, and consequently a measure that had such a severing for its object, must necessarily deprive the Government of all energy, vigour, and activity. As well might their Lordships expect that an end could be attained, whilst the means were withheld, as that the Administration of the Regent could be productive of benefit to the country, if the powers of Government were kept from him. It had been said, indeed, that what was to be given to the Queen could not be said to be withheld from the Prince, because it was natural to suppose, that such an understanding would exist between them, as maternal fondness on the one hand, and filial piety on the other, could produce and maintain; but was it impossible that bad advisers should interfere, and destroy that harmony, in which the happiness both of the nation and of the royal family must be so deeply interested. If it was the wish of their Lordships to preserve concord in the Royal Family, why would they sow the seeds of discord in it? And why would they put it in the power of any one by imposing upon credulity, to erect the standard of Opposition, even in the centre of the Court? The virtues of the Queen were many, and truly amiable; but that which was the greatest of them, and crowned the rest, was that prudence which had made her always refrain from taking any part publicly or privately in the Government: in all the various changes and shiftings of the political scenes during her whole reign she had never once been discovered behind the curtain, but had always demeaned herself so as to command the love and veneration of all parties. Could they then be her friends, who advised her to embark upon a tempestuous sea, inexperienced as she was in affairs, without chart or compass to direct her?—And thus to risk that high reputation which she had happily acquired by shunning as a fatal rock, on which it might be wrecked, all interference in the affairs of the State? It was possible that when the power of controuling the Household should be put into her hands,

she might be led away, and her inexperience would lay her more open to imposition by bad advisers, and persuaded to countenance measures which would counteract and defeat those which her son might think it necessary to adopt, for the good of the people, and the credit of his Administration. And should her Majesty be persuaded to think that those measures, so proposed and recommended to her by her secret advisers were better calculated to promote the public weal, than those which might be proposed by the Executive Government, the Resolution which was actually before the Committee would furnish her abundantly with the means of defeating any measure of her son, against which her secret advisers should think proper to set their faces; for the Resolution would go the length of giving her the command of one full quarter of the whole Civil List Revenue; and the influence arising from such a command, when directed against an Administration, might of itself be sufficient to pull it down. He did not mean to impute to noble Lords, who held Offices in the Household, a pliancy of character that would make them, through fervile complaisance, vote for measures which in their judgment they might condemn; but he meant to say, that the habit of looking up to personages of great rank might give them so good an opinion of their intentions, that they might feel a kind of irresistible influence, which they would perhaps think it a virtue not to withstand. It was not his wish, when he objected to the proposition for putting the great offices of the Household under the controul of the Queen, that they should be abolished or suspended during the indisposition of the King; the Lords with white staves were not so much the attendants upon the person of the Sovereign, as appendages of the Majesty of the Crown; and therefore they ought to attend upon him who should represent the Majesty of the Kingly office; and this surely would be more proper, and more consistent with that regard for the ease of the people under their heavy burdens, than double establishments, one for the King, and another for the Regent.—The Chaplains of the Court ought also to attend upon the Regent; for they could not possibly attend upon his Majesty during his present affliction; and it would be unreasonable indeed to give to the Queen the nomination of officers, who, from the nature of their situation, could not be employed about his Majesty's person during the continuance of his present disorder. It had been argued, that to make the Lords of the Bedchamber, and other great Officers of the Court, attend upon the Regent, would be to reduce the King to a deplorable and destitute situation; but it seemed, those who entertained that opinion forgot, that though they would wait upon the Regent, they must still be considered as in the service of his Majesty. The whole Government must be carried on in his name; the Lord Chancellor, the Secretaries of State, and all the other great Officers of State, as well as the Lords of the Bedchamber, must be considered, during the Regency, as his Majesty's servants. How then could he be said to be reduced to a deplorable situation, when the whole Government must be administered in his name, and the very Ministers must be deemed his servants? It was said, that Parliament ought to consult the feelings of the Sovereign, when the Almighty should please to wake him from his dream. And that therefore those attendants whom he particularly liked, ought not to be removed from about him, lest on his recovery he should be shocked at finding strangers about him. Here his Lordship thought it necessary to remind the Committee, that the Lords of the Bedchamber never did wait upon the King in his private capacity; it was only when he appeared *in state*, that they were employed about him; and therefore it was not possible, from the nature of their office, that they should be near him at the moment of his recovery; should he at that moment call for them, they could be reinstated, and sent to him, though they should be in waiting upon the Regent, as expeditiously, at least, as they could be at any time summoned by his Majesty from their country seats. The way in which he would consult the feelings of the Sovereign on his recovery, would be, by preventing those measures which, upon reflection, could not but give him pain. His Majesty had always been particularly distinguished for his love to his people—his study to render them happy, and the Empire flourishing. He would take care then that his Majesty should not have cause to complain that the Government had been rendered weak and inefficient, and the prosperity of the empire had been sacrificed through a false delicacy, or respect for his person. He would not have any cause given to him, to complain that the seeds of division had been sown in a family hitherto known to be a family of love; and that a gross affront had been put upon his Son, who had always been so dear to him. Magnanimous minds might overlook or forgive personal insults; but he appealed to such of their Lordships as were fathers, whether they could be wounded in a more tender point than by indignities offered to their Sons; insults to them were not easily forgotten by parents; paternal resentment, on such occasions, rose almost to the dignity of virtue, and received the approbation even of the greatest minds. He would not raise that kind of resentment in the Royal breast, by adopting measures which would hereafter tell the King, that in the formation of the Government which followed His Majesty's illness, the political character of the Prince of Wales had been disregarded and sacrificed, for that His Royal Highness had been so restrained, that he might call for the services of able men, without having the means of rewarding them; and had been made responsible for the Government of the country, without having been entrusted with the means of rendering it happy at home, or respectable abroad. To keep from the King the grounds of such complaints as these, would be the most respectful conduct towards His Majesty, and the true way of consulting his feelings.

The Lord CHANCELLOR made a short reply. He said, that he did not mean to substitute an

appeal to the passions in the room of sound argument; but if, in endeavouring to convince their Lordships that the Amendment was inadmissible, he had been obliged to state the condition to which it would reduce his Majesty, the subject was forced upon him, he did not introduce it for the purpose of making work upon the passions rather than the judgment of their Lordships. He still maintained that the bare committing the person of the King to the care of the Queen, without providing for the dignity of his rank, would be to reduce him to a state to screen him, from which should be the study of all his subjects, but more particularly of those whom his bounty had fed. The Amendment proposed, that all the words which went to make a due provision for the King should be left out; but the Noble Lord who moved it, had not stated the words which he intended to propose in their stead. If he meant to propose any, he ought to read them, that the Committee might have an opportunity of judging between them, and those which the Noble Lord wished to have expunged from the Resolution.

Lord LOUGHBOROUGH thought the proceeding of the Learned Lord not perfectly consistent with that candour of which he made profession. When his Noble Friend moved the Amendment, he stated, that as the Resolution contained three distinct propositions—1st. The trusting to the Queen the care of his Majesty's person.—2^d. Granting to her the controul of the Household.—And, 3^d. The appointment of a Council to advise her Majesty; and as one of them might meet the general concurrence of the Committee, whilst the other two might occasion much difference of opinion, the Noble Lord expressed a wish that they might be separated. The Learned Lord then told him, that it would not be proper to separate Propositions which the House of Commons had made the subject of one Resolution: he might, however, take the sense of the Committee on that head, by a motion for dividing them; but now that the Noble Lord had taken the Learned Lord's advice, the Learned Lord found fault with him, because he had not stated what were the words which he intended to substitute in the room of those which he had moved the Committee to leave out. If this was candour, he must annex a new meaning to that word.—Having premised this, his Lordship took into consideration the main question.—The vesting in the Queen the power of removing or appointing the different officers of the Household, and made a speech upon the occasion, which was considered by all who heard it, as a master-piece of reasoning. We would have been extremely happy, had we it in our power to give a long account of it; but unfortunately we are so circumscribed in point of time, that we cannot gratify our own wishes on that head. A short and faint sketch of it is all that we can attempt.—His Lordship said, that neither our own history, or the annals of any country upon earth could furnish a single instance in which it appeared that the patronage of the Crown had been separated from the executive government. A noble Lord (Hawkebury) had, on former occasion, quoted a circumstance from the History of France, to shew that even an infant King was considered by the law of that country, as capable of exercising personally the prerogatives of the Crown. The instance to which he alluded, was that of Lewis XV. at the age of five years, having been taken by his *Gouvernante* to the Parliament, and seated on the Throne, to which the Chancellor went up, and then kneeling, seemed to receive orders from the infant King, though in fact, they were given by the Regent, who stood by the side of the Throne. The Noble Lord who quoted this circumstance, might have collected from the history of that period, an argument against the measure which was the subject of the present discussion. Lewis XIV. at the latter end of his life, conceived a dislike for his Nephew, the then Duke of Orleans; and wishing not only to mortify him, but also to aggrandize his own natural son, the Duke du Mayne, made a will, in which he left the Regency to the Duke of Orleans, and the controul of the Household, together with the custody of the young King, to the Duke du Mayne. He told the former, though not truly, that he left him every thing to which he was entitled by his birth. The will was registered in Parliament; but when the old King died, the Duke of Orleans, who, by the renunciation of the Duke of Anjou, then King of Spain, was become presumptive heir to the infant King Lewis XV. then under six years of age, claimed the Regency, with all the powers which of right belonged to it. The Parliament (as a celebrated and enlightened contemporary writer, Montesquieu, observed,) found itself in a strange dilemma: It saw, that it might be dangerous to give full powers to a presumptive heir; and on the other hand, it perceived the absurdity of placing the Regent at the head of the Government, and at the same time severing from it the patronage and influence arising from the controul of the Household. Both appeared evils; but the latter was found to be infinitely greater than the other, and therefore the Parliament, to avoid it, set aside the King's will, revoked all the Limitations, and gave the Regent the full powers and prerogatives of the Crown. A double Government could not but be a curse to any nation, in which it was suffered to exist. If two courts were kept, and two parties were known to have power in a country, all negotiations would then be double. The Executive Government might conclude a treaty, or alliance; but as it must afterwards be ratified by Parliament, applications might be made to one party, to oppose what the other had done; and thus the best measures might be defeated through the power of a party distinct from the executive Government, and possessing the means of influencing those who should be called upon to decide upon the most important questions. It was not altogether impossible; but, in the course of time, circumstances might occur, that would make it necessary for the Regent to apply to the credit of the nation, and to raise a loan. But in a double Government, such a loan might be defeated, and

a ministry overturned, perhaps, contrary to the wishes of the nation, merely by the influence of the patronage of the Household. In case of such a double government, the parent of ministers and cabinets, should a war happen to break out, the Commanders employed by land and sea in the service of their country, would not find the favour of the Ministry sufficient to support them: Ministers, without the means of rewarding services, or perhaps even of screening from censure those whom they employed, could have no real authority over them; these Commanders would be perpetually paying their court to the Queen's party, for the purpose of securing themselves friends, even among the enemies of their employers. If a public delinquent was to be brought to justice, it must be by an act of the government; but what a shield of defence might such a delinquent find in a party possessing the patronage of the Household, and acting in opposition to the executive servants of the Crown? Double establishments he condemned as much as double governments; the Lords of the Bedchamber, he was of opinion, ought to attend upon the Regent, who represented the state of the country; but he understood, that they were not to wait upon him, and that others were to be appointed to do that office; so that as there was to be a representative Monarch, so there were to be representative Beef-eaters, a representative band of Gentlemen Pensioners, and representative Lords of the Chamber. The present Lords of the Bedchamber, &c. could not possibly attend upon the King, and as they were not to wait upon the Regent, their places must be considered as sinecures, and their salaries as rewards for something.—They were to be removable by the Queen; but as it was not possible that they could be about the King's person in his present situation, it was not for remissness or neglect of duty, that they could be removed; for what purpose then, or for what conduct were they to be removable? This question he would leave it to the good sense of the Committee to answer. The influence of secret advisers about the person of the Queen might be productive of the most fatal consequences to the country; he would not speak hypothetically; but would remind their Lordships of what had already happened; and what once had happened, they knew might occur again.—The famous Duke of Marlborough, after having captured all the barrier towns, and opened his way into Old France, at the head of the allied armies, found his victorious arms arrested, and the career of his country's glory and prosperity stopped by the intrigues and cabals of a Bedchamber Woman to Queen Anne. All the abilities of a Harley, the fascinating powers of a St. John, and the laborious industry of a Harcourt, would have been exerted to no purpose, if there had not been a Mrs. Masham, who by her influence with the Queen, was able to do what the arms of Louis XIV. had not been able to effect, to put an end to the victorious progress of the Duke of Marlborough, and the allied army. As to the feelings of the King, at finding on his recovery his servants changed, he thought they would be best consulted, if the Government of his son was made strong and efficient. If the calamity under which his Majesty at present laboured, had fallen upon him during the course of the last war, and provisions such as were now proposed should have been adopted, his Majesty, on waking from his dream, might say, "What is become of my Thirteen American Colonies? The answer might be, "Sire, We thought it prudent to trust your Son with so little power, that your Colonies are gone. But be not concerned at this—Your Beef-eaters, Gentlemen-Pensioners, Lords of the Bedchamber, &c. are still the same; look into the red book, you will find it just as you left it; and let this console your Majesty for the loss of empire, and the reputation of your son as a Statesman, which we sacrificed, lest you should have the misfortune of seeing new faces about you at the moment of your recovery. At such language the King, no doubt, would feel the greatest indignation. He had always loved his people, their prosperity had been ever dear to him, and his son he loved not less than his life; what then would his feelings be, to find his empire dismembered, his people impoverished, and his darling son stigmatised as the cause of such calamities? Would he not say, let the disgrace rather fall upon those who made my son responsible for the evils which befell his country, without giving him the means of averting them. The Prince, under the new settlement, would have less state, his Lordship said, than the Stadtholder of Holland; the Dutch, even in the purest moments of their republic, always allowed the pomp and splendour of a Court to their Stadtholder, and patronage of it; but this was thought too much for the Son and Heir of the King of Great Britain to enjoy.—A certain degree of influence, his Lordship said, was very necessary in every country; but a secret influence was the bane of every government. If the Resolution before the Committee should pass unaltered, the Queen would find herself possessed of the most dangerous kind of power to a free State; a power to which no degree of responsibility was annexed; and which operating under the direction of wicked, but secret advisers, would be found to be the more dreadful, as it would be known only by its effects, and consequently the mischief would be done, before the idea of guarding against it could enter into the head of any one. His Lordship concluded, by observing, that he would, on any other occasion, when he should have more strength than at present, be ready to maintain that proposition, which he was charged with having abandoned.—That the Prince of Wales of full age had a right to the Regency during the incapacity of his father. A short altercation then ensued between the Lord CHANCELLOR and Lord LOUGHBOROUGH, after which Lord KINNAIRD concluded the debate, by some observations in answer to the Duke of Richmond, but the House being anxious for the question, we could only collect, that his Lordship was in favour of the amendment.

appeared,
For the Amendment, 68
Against it, 91

Majority against the Amendment, 23

The original question was, then put, and carried without a division.

The Report being brought up, was agreed to by their Lordships, and the House at ONE O'CLOCK adjourned to Monday.

L O N D O N,

JAN. 24.

THE KING.

Kew Palace, Jan. 24.

HIS MAJESTY was quiet yesterday—has had four hours sleep in the night—but is not quiet this morning.

R. WARREN.

L. PEYS.

F. WILLIS."

Lord WILLOUGHBY DE BROKE is in waiting at St. James's Palace.

This morning his Royal Highness the DUKE of YORK, after visiting the PRINCE of WALES at Carlton House, set off from there to Kew, on business with the Queen.

It is thought that on Thursday fortnight, his Royal Highness the PRINCE of WALES will go in state to Parliament in quality of REGENT, and open the sessions in a formal manner.

This morning a grand COUNCIL was held at the Cockpit-Whitehall, on the AFRICAN SLAVE TRADE.

A COUNCIL will be held this evening at LORD CAMDEN's, in Hill-street, Berkeley-square.

Some Dispatches were sent off this morning from the Marquis of CARMARTHEN's office, to Mr. HOWARD at Berlin.

A Correspondent assures us that the PRINCE of WALES has sent a message to Kew, desiring to have an interview with HIS MAJESTY; and as the message was pressing, his Royal Highness is expected to be introduced to HIS MAJESTY to-morrow.

Those who reflect on Mr. PITT, by saying that his Opposition will be factious, suppose that can never, in all probability, happen. He who has so often stigmatized the present Opposition as a faction, will never, it is hoped, carp at their measures from factious motives, as he must at once totally destroy his immaculate character.

The GLOUCESTER ELECTION is over—Mr. HOWARD is elected.

The IRISH PARLIAMENT was prorogued by a proclamation from the Lord Lieutenant and Council on Monday the 10th instant, from the 20th of January to the 1st of February.

This morning some dispatches were received at the Secretary of State's Office from Gibraltar, which are dated the 24th of December. They contain an account of the arrival of several ships from Leghorn, Smyrna, Constantinople, and other parts of the Straights, most of which were bound for London, and intended to sail about twenty days afterwards.

The THAMES, below London-bridge, is so clear of ice, that this morning several outward-bound West-Indiamen unmoored, and dropped down to Deptford, in order to prepare for their voyage.

It is an ill wind that blows nobody good, says the Proverb.—So say we of the contest between the Bulls and Bears of the STOCK EXCHANGE, for by it the Public are benefited in the price at which they are now supplied with Lottery Tickets—which is little more than the price paid for them by the Subscribers. This low price, of course, begets an increased demand; so that there is the greatest probability of their being at a higher price before the commencement of the drawing, than they have been for many years before. Besides, the Scheme is greatly superior to that of any former Lottery—for there are 77 capital Prizes, from 30,000l. to 500l.

During the late frost, one of the Preachers at the Tabernacle thus addressed metaphorically his congregation:—"Ye are all frozen with sin!—May the Lord thaw the ice of your iniquities!—May the frost of your transgressions be broken!—Methinks I hear the ice crack within ye!—Aye, crack!—But what says my thermometer of grace?—My weather-glass of pity?—Why, that there will be no thaw, till ye pray fervently for it.—Pray then with fervor, till the ice softens, and your sins melt away like a snow-ball in the sun!"

Mr. DIBDIN, whose talents are various and respectable, last night presented the Public, at the LYCEUM, with a kind of literary, musical, and humorous Olio, that is likely to prove very successful.

A few days ago was married at Rofs, in Herefordshire, Mr. RICHARD BAILEY, aged 24, to Miss MARY ROBERTS, aged 79. What is remarkable, Mr. Bailey had buried but a week before a wife aged 93.

On Tuesday last as ROGER GRIFFIN, Esq. who presided at Hicks's Hall, was sitting on the Bench, he suddenly fell from off his seat, and instantly expired. He had just before remarked that he was glad to see so full an attendance of professional men, as some trial of importance was expected to come on, and immediately on speaking these words, was struck with an apoplectic fit in his heart, and was dead before a surgeon, who happened to be present, could get near to him.

The Letter of Mr. PITT to the PRINCE, and of the PRINCE to Mr. PITT, having been much mentioned, we are happy to insert them both together;—they were meant for yesterday; but the Debate prevented.

To His ROYAL HIGHNESS the PRINCE of WALES.

SIR,

The proceedings in Parliament being now brought to a point, which will render it necessary to propose to the House of Commons the particular measures to be taken, for supplying the defect of the personal exercise of the Royal Authority during the present interval; and your Royal Highness having, some time since, signified your pleasure, that any communication on this subject should be in writing, I take the liberty of respectfully intreating your Royal Highness's permission to submit to your consideration the outlines of the plan which his Majesty's Confidential Servants humbly conceive (according to the best judgment which they are able to form) to be proper to be proposed in the present circumstances.

It is our humble opinion, that your Royal Highness should be empowered to exercise the Royal Authority, in the name and on the behalf of His Majesty, during His Majesty's illness, and to do all acts which might legally be done by His Majesty, with provisions, nevertheless, that the care of His Majesty's Royal Person, and the management of His Majesty's Household, and the direction and appointment of the Officers and Servants therein, should be in the Queen, under such regulations as may be thought necessary.—That the power to be exercised by your Royal Highness should not extend to the granting the real or personal property of the King, (except as far as relates to the Renewal of Leases) to the granting any Office in Reversion, or to the granting, for any other Term than during His Majesty's pleasure, any Pension, or any Office whatever, except such as must by Law be granted for Life, or during good behaviour, nor to the granting any Rank or Dignity of the Peerage of this Realm, to any Person, except His Majesty's Issue who shall have attained the age of twenty-one years. These are the principal points which have occurred to His Majesty's Ministers.

I beg leave to add, that their ideas are formed on the supposition that His Majesty's illness is only temporary, and may be of no long duration. It may be difficult to fix before hand, the precise period for which these provisions ought to last; but if unfortunately his Majesty's Recovery should be protracted to a more distant period, then there is reason at present to imagine, it will be open hereafter to the wisdom of Parliament, to reconsider these provisions, whenever the circumstances appear to call for it.

If your Royal Highness should be pleased to require any further explanation on the subject, and should condescend to signify your orders, that I should have the honour of attending your Royal Highness for that purpose, or to intimate any other mode in which your Royal Highness may wish to receive such explanation, I shall respectfully wait your Royal Highness's commands.

I have the honour to be,

With the utmost deference and submission,

Sir,

Your Royal Highness's

Most dutiful

And devoted Servant,

W. PITT.

Downing-Street,

Tuesday Night, Dec. 30, 1788.

AUTHENTIC COPY of

HIS ROYAL HIGHNESS THE PRINCE OF WALES's

Answer to Mr. PITT's Letter.

Carlton House, Jan. 2, 1789.

"The PRINCE of WALES learns from Mr. Pitt, that the proceedings in Parliament are now in a train which enables Mr. Pitt, according to the intimation in his former letter, to communicate to the Prince, the outlines of the plan which his Majesty's confidential servants conceive proper to be proposed in the present circumstances.

"Concerning the steps already taken by Mr. Pitt, the PRINCE is silent.—Nothing done by the two Houses of Parliament can be a proper subject of his animadversion; but when previously to any discussion in Parliament, the outlines of a scheme of government are sent for his consideration, in which it is proposed that he shall be personally and principally concerned, and by which the Royal authority, and the public welfare, may be deeply affected, the Prince would be unjustifiable were he to withhold an explicit declaration of his sentiments. This silence might be construed into a previous approbation of a plan, the accomplishment of which every motive of duty to his Father and Sovereign, as well as of regard for the public interest, obliges him to consider as injurious to both. In the state of deep distress, in which the Prince, and the whole Royal family were involved, by the heavy calamity which has fallen upon the King, and at a moment when government, deprived of its chief energy and support, seemed peculiarly to need the cordial and united aid of all descriptions of good subjects, it was not expected by the Prince, that a plan should be offered to his consideration, by which government was to be rendered difficult, if not

impracticable, in the hands of any person, intended to represent the King's authority,—much less in the hands of his eldest son; the Heir Apparent of his kingdoms, and the person most bound to the maintenance of his Majesty's just prerogatives and authority, as well as most interested in the happiness, the prosperity, and the glory of the people!

"The Prince forbears to remark on the several parts of the sketch of the plan laid before him; he apprehends it must have been formed with sufficient deliberation to preclude the probability of any argument of his producing an alteration of sentiment in the projectors of it. But he trusts, with confidence, to the wisdom and justice of Parliament, when the whole of the subject, and the circumstances connected with it, shall come under their deliberation.

"He observes therefore only generally on the heads communicated by Mr. Pitt, and it is with deep regret the Prince makes the observation, that he sees, in the contents of that paper, a project for producing weakness, disorder, and insecurity in every branch of the Administration of affairs.—A project for dividing the Royal Family from each other; for separating the Court from the State, and thereby disjoining Government from its natural and accustomed support. A scheme disconnecting the authority to command service from the power of animating it by reward; and for allotting to the Prince all the invidious duties of Government, without the means of softening them to the public, by any one act of grace, favour or benignity.

"The Prince's feelings on contemplating this plan, are also rendered still more painful to him, by observing that it is not founded on any general principle, but is calculated to infuse jealousies and distrust (wholly groundless he trusts) in that quarter, whose confidence it will ever be the first pride of his life to merit and obtain. With regard to the motive and object of the limitations and restrictions proposed, the Prince can have but little to observe. No light or information is afforded him by his Majesty's Ministers on those points. They have informed him what the powers are, which they mean to refuse him, not why they are withheld.

"The Prince, however, holding as he does, that it is an undoubted and fundamental principle of this constitution, that the powers and prerogatives of the Crown are vested there, as a trust for the benefit of the people, and that they are sacred only as they are necessary to the preservation of that power and balance of the constitution, which experience has proved to be the true security of the liberty of the subject, must be allowed to observe, that the plea of public utility ought to be strong, manifest, and urgent, which calls for the extinction or suspension of any one of those essential rights in the supreme power or its representative; or which can justify the Prince in consenting, that in his person, an experiment shall be made to ascertain with how small a portion of the Kingly power the executive government of this country may be carried on.

"The Prince has only to add, that if security for his Majesty's re-possessing his rightful government, whenever it shall please Providence in bounty to this country, to remove the calamity with which he is afflicted, be any part of the object of this plan, the Prince has only to be convinced, that any measure is necessary, or even conducive to that end, to be the first to urge it as the preliminary and permanent consideration of any settlement in which he could consent to share.

"If attention to what it is presumed must be his Majesty's feelings and wishes on the happy day of his recovery be the object, the Prince expresses his firm conviction, that no event would be more repugnant to the feelings of his Royal Father, than the knowledge that the government of his Son and representative had exhibited the Sovereign power of the realm in a state of degradation, of curtailed authority, and diminished energy—a state, hurtful in practice to the prosperity and good government of his people, and injurious in its precedent to the society of the Monarch, and the Rights of his family.

"Upon that part of the plan which regards the King's real and personal property, the Prince feels himself compelled to remark, that it was not necessary for Mr. Pitt, nor yet proper to suggest to the Prince the restraint he proposes against the Prince's granting away the King's real or personal property.

"The Prince does not conceive, that, during the King's life, he is, by law, entitled to make any such grant; and he is sure that he has never shewn the smallest inclination to possess any such power. But it remains with Mr. Pitt to consider the eventual interests of the Royal Family, and to provide a proper and natural security against the mismanagement of them in others.

"The Prince has discharged an indispensable duty in thus giving his free opinion on the plan submitted to his consideration.

"This conviction of the evils which may arise to the King's interest, to the peace and happiness of the Royal Family, and to the safety and welfare of the nation, from the government of the country remaining longer in its present maimed and debilitated state, outweighs, in the Prince's mind, every other consideration, and will determine him to undertake the painful trust imposed upon him by the present melancholy necessity, (which of all the King's subjects he deprecates the most) in full confidence, that the affection and loyalty to the King, the experienced attachment to the House of Brunswick, and the generosity which has always distinguished this nation, will carry him through the many difficulties, inseparable from this most critical situation, with comfort to himself, with honour to the King, and with advantage to the public."

SALES BY AUCTION.

By Mr. LOVE,

By order of the Executors of Mr. JOHN AVERY, Deceased,
At the One Tun Tavern, Goodge-street, near the Middlesex Hospital,
On Wednesday next, the 28th inst. at One o'Clock,
IN THREE LOTS,

A Truly desirable Red BRICK DWELLING HOUSE, with large Shop and Saw Window, situate on the south side of Oxford-street, near the Pantheon, in possession of Mr. MOSEY, Cheesemonger, at the original Rent of 50l. per annum, capable of improvement. The Premises are held by lease for 99 years from Christmas 1759, at the very low ground rent of 6l. 10s. per annum. Also a DWELLING HOUSE, No. 41 in Chesterfield-street, near Titchfield Chapel, St. Mary-le-bone, for a term unexpired of 70 years, held by lease, and let at 28l. per annum, subject yearly to a ground rent of 6l. 6s. together with four fourteenth shares, freehold in and of three houses in Great Hermitage-street, in the Parish of St. George in the East, Middlesex, let at 20l. per annum.

The whole may be viewed, with leave of the tenants, and particulars had at the Place of Sale, at the King's Head Tavern, Corner of Gerrard-street, Soho; and of Mr. Love, Surveyor, Clifton-street, Portland-road.

By Mr. LOVE,

(WITHOUT RESERVE)

At the One Tun Tavern, Goodge-street, near the Middlesex Hospital,
On Wednesday next, the 28th inst. at One o'Clock,
IN THREE LOTS,

THREE excellent, well-built, and very conveniently finished DWELLING HOUSES, situate in Glanville-street, near the Place of Sale, in possession of Messrs. SPENCE, SCOTT and HUNT, at Rents amounting to 95l. per annum; each of which is held by lease for an unexpired term of 74 years, at a moderate ground Rent. The Premises are four clear stories high, two rooms on a floor, with large yards, kitchens, open areas, and coal-vaults.

May be viewed, and particulars had at the Place of Sale, at the King's Head Tavern, Corner of Gerrard-street, Soho; and of Mr. Love, Surveyor, Clifton-street, Portland-road.

By Mr. GREENWOOD,

On the Premises, on Wednesday the 28th instant, and the two following days, at Twelve o'Clock,

THE elegant and fashionable Household Furniture, a small and well-selected collection of Pictures, particularly a whole-length portrait of Cardinal Albani, by his own painter, large pier glasses and girandoles, a drawing-room suit of crimson damask, inlaid pier tables, mahogany wardrobe, bookcases, chairs, dining, Pembroke, and card-tables, four-post and other beds, with handsome chintz pattern and dimity furniture, excellent goose beds and bedding, kitchen furniture, and other effects of

A GENTLEMAN,

Retiring from housekeeping, No. 12, Cork-street, Burlington-garden.

To be viewed two days preceding the sale, and Catalogues had at Mr. GREENWOOD's, Leicester-square.

Mr. BILLINGTON

RESPECTFULLY prefers this method of acquainting the Nobility and Gentry, who are not already engaged, that he shall be happy to attend them for the purpose of giving Lessons on the Piano Forte and Singing.—Likewise, teaches Catches and Glee in an expeditious manner for private Circles; and shall be proud to have the honour of their commands, No. 3, GEORGE-STREET, BATH; Where may be had any of the following Works of Mr. Billington:

Young's Night Thoughts	10 6	Eliza to Abigail	10 6
Grey's Elegy	5 0	Cecilia and Amelia	4 0
Pope's Elegy	5 0	from Thompson's Sea	4 0
Maria's Evening Service	2 0	for three voices	4 0
Children in the Wood	7 6	Pope's Messiah	10 6
Errol's Garland	5 0	Te Deum and Jubilate	6 0
Damon and Mufidusa	7 6	for three voices	4 0
from Thompson's Sea	7 6	London, from Thompson's Sea	4 0

N. B. Mr. Billington will also be ready to receive the commands of the Nobility and Gentry after January in London, at his house, No. 24, Charlotte-street, Rathbone Place.

WANTS a Place, as WET-NURSE, a healthy Young Woman from the country with a good Breast of Milk, and can procure the most undeniable Character for sobriety and honesty.
Letters addressed to M. M. No. 53, Canaby-street, Canaby Market, will be immediately attended to.

ANATOMY.

DR. MARSHALL begins his Spring Course of ANATOMICAL and CHIRURGICAL LECTURES on Monday next, at half past One o'clock, at the Theatre, in Bartlett-court, opposite to the end of Hatton-street, Holborn.

The practical Anatomy continued.
Further particulars may be known at No. 28, Thavet Inn, Holborn.

VENEREAL COMPLAINTS.

TO THE PUBLIC.

Mr. EASTLAND,

MEMBER of the CORPORATION of SURGEONS,

in LONDON,

At his House, No. 58, SNOW-HILL,
CONTINUES effectually to cure all recent complaints of a PRIVATE NATURE, with ease and safety, in a few days; and in the most obstinate and complicated cases of long duration, that have hitherto been deemed incurable; such as OBSTRUCTIONS in the UTERUS, SPONGY EXCRESCENCES, HARD TUMORS, CALLOUS ULCERS, ERUPTIONS, GLEETS, &c. are radically cured, by a more safe, certain, and expeditious mode of practice, superior to any other yet adopted, that will prove well worthy the attention of persons of both SEXES, requiring SURGICAL or MEDICAL ASSISTANCE in the above disorders. Weak, relaxed, and debilitated habits, proceeding from irregularities, injudicious treatment, or any other cause, are speedily restored to health and strength.

SUPPRESSION OF URINE.

Mr. EASTLAND gives immediate relief in all cases of ISCHURIA URETHRALIS, inflammation and strictures, from an ill-cured, or retrospised gonorrhoea, curacules, fistula in perineum, partial and total suppression of urine, radically cured.

PRICE OF STOCKS THIS DAY.

Bank Stock	—
3 per Cent. Red. 73 3/4	
3 per Cent. Conf. 72 3/4	
4 per Cent. Conf. 93 1/8	
Navy 5 per Cent. Ann. 110 3/4	
Bank Long Ann. 21 1/2	
Ditto Short 177 1/8 and 177 3/4	
India Stock	—
Ditto Bonds	—
Old Ann.	—
New Navy	—
Exchequer Bills	—
Lottery Tickets 161.	
Irish Ditto	—
Bank for Feb.	—
India for Ditto	—
3 per Cent. Conf. for Feb. 74 3/4	